

# COMMENTARY FORTY CHAPTERS ON LEADERSHIP

Writings and Rulings Pertaining to  
Leaders and their Flocks

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**COMMENTARY  
FORTY CHAPTERS ON  
LEADERSHIP  
MANNERS AND RULINGS PERTAINING TO  
LEADERS AND THEIR FLOCKS**

**ABĪ ḤAFṢ AL-ḤANBALĪ**

**Commentary by  
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## AUTHOR'S INTRODUCTION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

All praises are due to Allāh, the Lord of the believers and Defender of the *Mujāhidīn*, and may peace and salutations be upon the best of the messengers, our Prophet Muḥammad, and upon his family and Companions.

From Allāh's bounties upon us is that He legislated for us *Jihād* in His Cause; it removes people from darkness and brings them into the light; and repels the harm of the disbelievers and *Munāfiqīn*. It is the pinnacle of the religion and cause of its honour, elevation, and establishment; and whenever the Muslims abandon it, they are afflicted with humiliation amongst the creation.

Due to the *Jihād*'s need for a sincere and truthful leadership, I resolved to compile this reminder for them (i.e. the *Mujāhidīn*) of a number of its tenets, rulings, and exhortations that have reached us from the Prophet ﷺ. Thus, these forty (chapters) on leadership were composed, and we beseech Allāh ﷺ to benefit through it those whom He has placed in charge of the affairs of the Muslims and *Mujāhidīn*.

*Abī Ḥafs al-Ḥanbālī*

## COMMENTATOR'S INTRODUCTION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

All praises are due to Allāh, the Lord of all of the creation, and may peace and salutations be upon the His Messenger, his family and Companions.

The topic of this treatise is indeed an important subject. Betrayed by both the disbelievers and our own heads of state, the believers are, more than ever, in need of both pious and competent leadership to guide them collectively towards Allāh's pleasure.

Since the treachery of those who claim leadership has become painfully apparent, it has been left to the youth of Islām; animated by the Book, the *Sunnah*, and the legacy of the *Ummah*'s heroes, to seek to re-establish the caliphate upon the prophetic methodology. With few, if any, living examples to follow, they are in need of the *Ummah*'s help to navigate the stormy waters and precarious terrain laid out before them.

Thus, due to the content of work at hand and the aforementioned reasons, it was felt that it would be a beneficial addition to the English speaking Muslims' body of Islamic literature. Despite the intended audience of this work being the *Mujāhidīn*, the narrations within it remain relevant to the wider *Ummah*, as indeed the Prophet ﷺ said:

«أَلَا كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، فَالإِمَامُ الَّذِي عَلَى النَّاسِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ»

*“Indeed every one of you is a guardian and is responsible for his flock: The ruler of a people is a guardian and will be questioned regarding those he is responsible for.”<sup>1</sup>*

I have included a contents page, and included the *Hadīth* numbers as they appear in their Arabic works to simplify the work of those who wish to cross-reference the narrations. Unless otherwise stated, all of the narrations within this work have been classified as authentic by the scholars of *Hadīth*.

In this commentary, I have added relatively brief explanations of the *Aḥādīth* and the concepts they encompass, as they pertain to leadership in the contemporary *Jihādī* field. I have deliberately avoided going into depth in the *Fiqhī* aspects contained within the work, as most are discussed in *Fiqh of Jihād: Understanding the Obligation* (2<sup>nd</sup> Edition), which has now been published by Distance of a Month's Journey Publications - and all praises are due to Allāh. I have also, for the most part, avoided numerous and lengthy quotes, to facilitate and smoothen the reading experience.

The general methodology I relied upon was to firstly refer to the primary commentaries on the *Hadīth* contained within the work.<sup>2</sup> Amongst them were: Ibn Hajar's commentary of *Ṣaḥīḥ al-Bukhārī* - *Fatḥ al-Bārī*, an-Nawawī's commentary on *Ṣaḥīḥ Muslim* - *al-Minhāj Sharḥ al-Jāmi' aṣ-Ṣaḥīḥ*, Ābādī's commentary of *Sunan Abī Dāwūd* - *‘Awn al-Ma'būd*, as-Sindī's commentaries on both *Sunan an-Nasā'ī* and *Sunan ibn Mājah*, and ibn Rajab's commentary on an-Nawawī's *Forty Hadīth - Jāmi' al-'Ulūm wa'l-Hikam*.

Secondly, this understanding was applied to the chapters in light of the author's intent - indicated by his chapter headers - and the realities I have personally witnessed, or have been informed about by those who

<sup>1</sup> *Ṣaḥīḥ al-Bukhārī* (7138), *Ṣaḥīḥ Muslim* (1829), *Sunan Abī Dāwūd* (2928), *al-Jāmi' at-Tirmidhī* (1705), and *Musnād Aḥmad* (4495)

<sup>2</sup> The mobile application *Jāmi' Kutub at-Tis'ah* (جامع كتب التسعة) is particularly helpful in this regard, although unfortunately, the application is only available in Arabic. The official webpage can be accessed [here](#).

have, in the contemporary global *Jihādī* landscape. I also sought to emphasise upon matters pertaining to *Akhlāq*, or Islamic morals, due to it being an integral aspect of the religion often, and most unfortunately neglected by both, beginning students of knowledge and novice *Mujāhidīn*. This, along with a general lack of knowledge of the religion, or more precisely, an understanding of the conflict the *Ummah* finds herself engaged in and the correct application of the divine texts and principles of the *Shari'ah* to the current reality. A factor that has permitted behaviour in stark contrast to the pristine and excellent example that Allāh ﷺ provided the believers with - His final Prophet and Messenger Muḥammad ﷺ and his honourable Companions رضي الله عنهم. This has tragically led - and Allāh indeed knows best - the contemporary *Jihād* to suffer many setbacks, and squander many of the opportunities Allāh ﷺ has granted it due to the sacrifices of her fearless modern-day heroes who are unfortunately far removed from her leadership.

Lastly, this work is dedicated to the *Mujāhidīn* and *Mujāhidāt* all over the world, specifically those brothers who have been repeatedly requesting its timely completion, and were patient upon my sluggish pace. I would also like to remind the Islamic *Ummah* of her obligation to free her prisoners in the hands of the *Tawāghīt* and tyrants, especially the weak from the women, children, and elderly amongst them. Indeed, the Messenger of Allāh ﷺ commanded the believers:

فُكُّوا الْعَانِيَ

“Free the prisoners (of war).”<sup>3</sup>

May Allāh forgive us for our shortcomings.

*Abdullah ash-Shaybārī*

25<sup>th</sup> *Dhul-Hijjah* 1441 (Corresponding to 15<sup>th</sup> August 2020)

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<sup>3</sup> *Şahīh al-Bukhārī* (3046), *Sunan Abī Dāwūd* (3105), *Sunan ad-Dārimī* (2508), *Musnad Aḥmad* (19517)

(1)

## SINCERITY OF INTENTION WHEN APPOINTED TO A POSITION OF LEADERSHIP

عَنْ عُمَرَ بْنِ الْخَطَّابِ، قَالَ: قَالَ رَسُولُ اللَّهِ عَلَيْهِ وَسَلَّمَ: «إِنَّمَا الْأَعْمَالَ بِالنِّيَّةِ، وَإِنَّمَا لَا مِرْءَى مَا نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ، فَهِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ لِدُنْيَا يُصِيبُهَا أَوْ أَمْرًا يَنْكُحُهَا، فَهِجْرَتُهُ إِلَى مَا هَاجَرَ إِلَيْهِ»

***Hadīth 1:*** ‘Umar bin al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ narrated that the Messenger of Allāh ﷺ said, “*The (reward of) deeds depend upon the intentions, and every person will get the reward according to what he has intended. So whoever migrated for the sake of Allāh and His Messenger, then his migration will be considered to be for Allāh and His Messenger, and whoever migrated for the sake of worldly gain or to marry a woman, then his migration will be considered to be for what he emigrated for.*”<sup>4</sup>

**Commentary:** There is no doubt that this *Hadīth* is one of the most significant in the religion of Islām, so it comes as no surprise that it is featured as the first narration in countless books of *Hadīth* and *Fiqh*. Indeed *Imām* ash-Shāfi’ī رَحْمَةُ اللَّهِ عَلَيْهِ said regarding it, “This *Hadīth* is a third of all knowledge, and applies to seventy (i.e. countless) chapters in *Fiqh*.” Likewise, *Imām* Aḥmad رَحْمَةُ اللَّهِ عَلَيْهِ commented, “The foundations of Islām are built upon three *Aḥādīth*,” and then he went on to mention this *Hadīth* as the first.<sup>5</sup>

Its significance is such, that without the believer intending, with his or her deed, the Pleasure of Allāh ﷺ Alone (i.e. having *Ikhlas*); there can

<sup>4</sup> *Ṣaḥīḥ al-Bukhārī* (1), *Ṣaḥīḥ Muslim* (1907), *Sunan Abī Dāwūd* (2201), *al-Jāmi’ at-Tirmidhī* (1647), *Sunan an-Nasā’ī* (75), *Sunan ibn Mājah* (4227), and *Musnad Aḥmad* (168)

<sup>5</sup> Both statements can be found in *Jāmi’ al-‘Ulūm wa ’l-Hikam*, (2014), al-Maktabah al-‘Aṣriyyah, Beirut, (pgs.10&11)

be no divine reward. Rather, if the action is from those that can only be directed to Allāh ﷺ, such as the prayer, fasting, *Du’ā*, *Hajj*, *Tawakkul* (reliance on Allāh), etc., intending other than Allāh Alone constitutes an act of *Shirk*, thus exiting the doer from the religion and consigning him or her to the Fire eternally.

The Messenger of Allāh ﷺ said, in a *Hadīth* recorded in *Sahīh Muslim*: *The Book of Governance* (1905):

إِنَّ أَوَّلَ النَّاسِ يُقْضَى يَوْمَ الْقِيَامَةِ عَلَيْهِ رَجُلٌ اسْتُشْهَدَ، فَأُتْبَيَ بِهِ فَعَرَفَهُ نِعْمَةُ فَعَرَفَهَا، قَالَ: فَمَا عَمِلْتَ فِيهَا؟ قَالَ: قَاتَلْتُ فِيلَ حَتَّى اسْتُشْهِدْتُ، قَالَ: كَذَبْتَ، وَلَكِنَّكَ قَاتَلْتَ لِأَنْ يُقَالَ: جَرِيَّةٌ، فَقَدْ قِيلَ، ثُمَّ أُمِرَ بِهِ فَسُحِبَ عَلَى وَجْهِهِ حَتَّى أُلْقِيَ فِي النَّارِ...

“Indeed the first person whose case will be judged on the Day of Resurrection is the *Shahīd* (martyr). He will be brought forth and he will be reminded of, and acknowledge, the favours (Allāh) bestowed upon him, and it will be said, ‘And what did you do with them?’ He will say, ‘I fought in Your Cause until I attained martyrdom.’ Allāh will say, ‘You have lied; you fought so it may be said, he is a brave man, and it was said.’ Then Allāh will order that he be dragged on his face until he is thrown into the Fire...”<sup>6</sup>

The *Hadīth* then goes on to mention the knowledgeable person and the charitable person. The common factor between them all was that, even though these three did the best acts of worship a person can do, they all lacked *Ikhlas*, and thus were doomed.

As it pertains to leadership in Islām specifically, the significance of this narration (i.e. “*The (reward of) deeds depend upon the intentions...*”) becomes apparent in the *Hadīth* recorded by Muslim رَحْمَةُ اللَّهِ عَلَيْهِ وَسَلَامٌ in his *Sahīh*: *The Book of Governance* (1652), wherein the Messenger ﷺ said:

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<sup>6</sup> Similar narrations are also in *Sunan at-Tirmidhī* (2382), *Sunan an-Nasā’ī* (3137), and *Musnad Aḥmad* (8277)

يَا عَبْدَ الرَّحْمَنِ بْنَ سَمْرَةَ، لَا تَسْأَلِ الْإِمَارَةَ، فَإِنَّكَ إِنْ أُعْطِيَتَهَا عَنْ مَسْأَلَةٍ  
وُكِلْتَ إِلَيْهَا، وَإِنْ أُعْطِيَتَهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا

*“O ‘Abd ar-Rahmān ibn Samurah, do not ask for a position of authority. For, if you are given it after having requested it, Allāh will leave you to it. However if, despite you not requesting it, you are (nevertheless) given it, Allāh will aid you in it.”*

Meaning, Allāh ﷺ will aid the one who is assigned a position of responsibility over the Muslims’ affairs, whilst not desiring it, to discharge his responsibilities with due diligence, be just, and fear Him concerning His Rights and the rights of His creation. Thus, the position will ultimately be a source of great reward in the hereafter, and not a source of immense regret, as it is in the case of the person Allāh ﷺ abandons to his own devices, due to his desire for power, standing, and authority.

Accordingly, there is no doubt that anyone appointed to a position of leadership must acknowledge the great trust and responsibility that has been placed upon his shoulders, the absolute need for *Ikhlāṣ*, and that he will never succeed - in this life of the next - without Allāh’s divine Help.

(2)

## THE SERIOUSNESS AND DANGER ASSOCIATED WITH POSITIONS OF AUTHORITY AND LEADERSHIP

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ كُلَّكُمْ رَاعٍ وَكُلَّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، فَالإِمَامُ الَّذِي عَلَى النَّاسِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ»

**Hadīth 2:** ‘Umar bin al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “Indeed every one of you is a guardian and is responsible for his flock: The ruler of a people is a guardian and will be questioned regarding those he is responsible for.”<sup>7</sup>

عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، قَالَ: مَا مِنْ أَمِيرٍ عَشَرَةً إِلَّا يُؤْتَى بِهِ يَوْمَ الْقِيَامَةِ مَغْلُولًا، لَا يُفْكَهُ إِلَّا عَدْلُ، أَوْ يُوْبِقُهُ الْجَوْرُ

**Hadīth 3:** Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that the Messenger of Allāh ﷺ said, “There is not a leader of ten that does not come of the Day of Judgement bound in chains. They will not be removed from him except if he was just, otherwise (his) injustice will destroy him.”<sup>8</sup>

عَنْ مَعْقِلَ بْنِ يَسَارِ الْمُزَنِيِّ عَنِ النَّبِيِّ ﷺ: مَا مِنْ عَبْدٍ يَسْتَرْعِيهِ اللَّهُ رَعِيَّةً يَمُوتُ يَوْمَ يَمُوتُ وَهُوَ غَاشٌ لِرَعِيَّتِهِ، إِلَّا حَرَمَ اللَّهُ عَلَيْهِ الْجَنَّةَ

<sup>7</sup> *Šaḥīḥ al-Bukhārī* (7138), *Šaḥīḥ Muslim* (1829), *Sunan Abī Dāwūd* (2928), *al-Jāmi'* *at-Tirmidhī* (1705), and *Musnād Aḥmad* (4495)

<sup>8</sup> *Musnād Aḥmad* (9573) and *Sunan ad-Dārimī* (2557)

**Hadīth 4:** Ma'qil ibn Yasār al-Muzanī رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “*There is none among the slaves who has been entrusted with the affairs of his people and died whilst being dishonest in his dealings with them, except that Paradise is forbidden for him.*”<sup>9</sup>

**Commentary:** The *Aḥādīth* is the chapter all illustrate that authority, far from being something to desire due to worldly benefits it may contain, is an immense responsibility, which if not acknowledged, will be a source of ruin.

With this in mind, any thoughts of authority, power, and riches, should be immediately dispelled from the mind of the sincere and astute believer. Instead, one must understand that any, even the seemingly most insignificant position of authority, is certainly a great responsibility regarding which one will be questioned - and if not in this life, then without a doubt in the next. Indeed, Allāh ﷺ said in *Sūrah al-Aḥzāb* (33:72):

﴿إِنَّا عَرَضْنَا الْأَمَانَةَ عَلَى السَّمَاوَاتِ وَالْأَرْضِ وَالْجِبَالِ فَأَيْنَ أَنْ يَحْمِلُنَّهَا وَأَشْفَقُنَّ مِنْهَا وَحْمَالَهَا إِلَّا نَسْنَنُ إِنَّهُ كَانَ ظَلُومًا جَهُولًا﴾

*Indeed, We offered the Trust to the heavens and the earth and the mountains, and they declined to bear it and feared it; but man [undertook to] bear it. Indeed, he was unjust and ignorant.*

Shaykh 'Abd ar-Rahmān as-Sa'dī رَحْمَةُ اللَّهِ عَلَيْهِ مَحْمَدٌ وَسَلَامٌ عَلَيْهِ وَبَرَّهُ اللَّهُ عَزَّ ذِلْكَ اسْمُهُ وَسَلَامٌ عَلَيْهِ وَبَرَّهُ اللَّهُ عَزَّ ذِلْكَ اسْمُهُ commented in his *Tafsīr* regarding this, “Here Allāh emphasises the great importance of the Trust which He has entrusted to those who are accountable. What that means is complying with the commands and heeding the prohibitions, in private and in public. Allāh offered it to mighty creations, namely the heavens and the earth and the mountains, by way of choice, not

<sup>9</sup> *Sahīh Muslim* (142) and *Sunan ad-Dārimī* (2838)

imposition, saying: If you undertake it and do it properly, you will have the reward, but if you do not do it properly, you will be punished.

**And they declined to bear it and feared it**, that is, they feared that they would not be able to bear it; that was not out of disobedience towards their Lord or out of a lack of desire for His reward.

Allāh offered it to man, according to these conditions, and he accepted it; he took it on despite his wrongdoing and ignorance; he took on this heavy burden. According to the extent to which they fulfilled this trust, people are divided into three categories: hypocrites, who pretend to fulfil it and adhere to it outwardly, but do not do so inwardly; polytheists who ignore it both outwardly and inwardly; and believers who fulfil it and adhere to it both outwardly and inwardly.”

This is even severer in the case of leaders - not only are they responsible for themselves, they also bear the responsibility and burden of their flock: Dealing with them justly; judging and settling disputes between them, no matter how big or small, in accordance with the Book of Allāh ﷺ. Fulfilling their rights; enjoining good and forbidding evil amongst them; establishing the prayer amongst them; educating them with regards to their religion (i.e. *Tawhīd* and the rest of the obligations); and so on.

Failure to fulfil any of these requirements in a way pleasing to Allāh, even for a group as small as ten,<sup>10</sup> will inevitably lead to destruction in the next life, as is evident in the word of the Prophet ﷺ:

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<sup>10</sup> This is in reference to the narration recorded in *Musnad Ahmad: Musnad Abī Hurayrah* (9573) wherein the Prophet ﷺ said:

مَا مِنْ أَمِيرٍ عَشَرَةً إِلَّا يُؤْتَى بِهِ يَوْمَ الْقِيَامَةِ مَعْلُوًّا، لَا يَفْكُهُ إِلَّا الْعَدْلُ، أَوْ يُؤْبَقُهُ  
الْجَوْرُ

“There will a leader of ten, except that he will come on the Day of Resurrection in chains [in ad-Dārimī’s narration: “With his hands tied to his neck.”]. He will not be released except with justice (i.e. his justice with his followers), or his tyranny will ruin him.”

إِنَّهَا يَوْمَ الْقِيَامَةِ خَرْبٌ وَنَدَامَةٌ، إِلَّا مَنْ أَخْذَهَا بِحَقِّهَا، وَأَدَّى اللَّذِي عَلَيْهِ فِيهَا

*“It will be a source of disgrace and regret on the Day of Resurrection, except for he who fulfils its rights and discharges that which is upon him regarding the position.”*<sup>11</sup>

As such, it was common to find the Companions رَضِيَ اللَّهُ عَنْهُمْ - and they had the deepest understanding of the religion and the greatest fear of Allāh عَزَّ وَجَلَّ after the Prophets عَلَيْهِمُ السَّلَامُ - doing their utmost to avoid positions of leadership due to their awareness of the great responsibility and danger involved.<sup>12</sup> Indeed, only the fool does not recognise the potential for abuses of power in positions of authority, and the arrogant that believes he or she is immune from falling into this grave error. Rather, knowing **whoever does an atom's weight of evil will see it**,<sup>13</sup> and the greatness of the One being disobeyed, led the Messenger صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ to implore Allāh عَزَّ وَجَلَّ:

فَلَا تَكِلْنِي إِلَى نَفْسِي طَرْفَةَ عَيْنٍ

*“Do not leave me to my own devices for even the blink of an eye.”*<sup>14</sup>

He صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ likewise, warned the believers from oppressing others, saying:

وَاتَّقِ دَعْوَةَ الْمَظْلُومِ، فَإِنَّهُ لَيْسَ بَيْنَهَا وَبَيْنَ اللَّهِ حِجَابٌ

*“Be aware of the supplication of the oppressed, for there is no barrier between it and Allāh.”*<sup>15</sup>

<sup>11</sup> The *Hadīth* will be recorded in full in Chapter 5 (p.26) by Allāh's permission

<sup>12</sup> However, once commanded to assume a position, they would not refuse, but rather would put their trust in Allāh and strive to fulfil the role to the best of their ability

<sup>13</sup> *Sūrah az-Zalzalah* (99):8

<sup>14</sup> *Sunan Abī Dāwūd* (5090) and *Musnad Aḥmad* (20430)

<sup>15</sup> *Ṣaḥīḥ al-Bukhārī* (1496), *Ṣaḥīḥ Muslim* (19), *Sunan Abī Dāwūd* (1584), *Sunan at-Tirmidhī* (625), *Sunan an-Nasā'ī* (2435), *Sunan ibn Mājah* (1783), *Sunan ad-Dārimī* (1655), and *Musnad Aḥmad* (2071). The wording is Muslim's

No doubt, the greatest act of oppression between people is that of the leader. This is evident in the following narration recorded by Muslim رَجُلُهُ أَكْبَرُ in his *Šaḥīḥ: The Book of Jihād and Expeditions* (1738), wherein the Messenger of Allāh ﷺ said:

أَلَا وَلَا غَادِرَ أَعْظَمُ غَدْرًا مِنْ أَمْبِرِ عَامَّةٍ

*“Indeed, there is no traitor greater than the (general) leader of the people who is treacherous.”*<sup>16</sup>

The treachery, oppression, and sin involved here directly corresponds with the level of the position held; as the higher the position, the more people will be adversely affected by such treacherous acts.

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<sup>16</sup> Also in *Sunan at-Tirmidhī* (2191), *Sunan ibn Mājah* (2873), and *Musnad Ahmad* (11038)

(3)

## THE VIRTUE AND REWARD FOR THE JUST LEADER

عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الْمُقْسِطِينَ عِنْدَ اللَّهِ عَلَىٰ مَنَابِرَ مِنْ نُورٍ، عَنْ يَمِينِ الرَّحْمَنِ عَزَّ وَجَلَّ، وَكِلَّتَا يَدِيهِ يَمِينٌ، الَّذِينَ يَعْدِلُونَ فِي حُكْمِهِمْ وَأَهْلِهِمْ وَمَا وَلُوا»

**Hadīth 5:** Abdullāh ibn ‘Amr رضي الله عنهما narrated that the Messenger of Allāh ﷺ said, “Indeed, the *Muqṣīṭīn* will be seated on pulpits of light besides the right Hand of *ar-Rahmān* - and both of His Hands are right. They (i.e. the *Muqṣīṭīn*) are those who are just with regards to their judgements, families, and all of the affairs they are appointed over.”<sup>17</sup>

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ، قَالَ: سَبْعَةُ يُظْلَمُهُمُ اللَّهُ فِي ظِلِّهِ يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ: الْإِمَامُ الْعَادِلُ

**Hadīth 6:** Abū Hurayrah رضي الله عنه narrated that the Messenger of Allāh ﷺ said, “Allāh will shade seven people in His shade the day on which there will be no shade except His: The just leader...”<sup>18</sup>

عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ مِنْ إِجْلَالِ اللَّهِ إِكْرَامَ ذِي الشَّيْبَةِ الْمُسْلِمِ، وَحَامِلِ الْقُرْآنِ غَيْرُ الْعَالَمِ فِيهِ وَالْجَافِي عَنْهُ، وَإِكْرَامَ ذِي السُّلْطَانِ الْمُقْسِطِ»

<sup>17</sup> *Sahīh Muslim* (1827), *Sunan an-Nasā’ī* (5379), and *Musnad Aḥmad* (6485)

<sup>18</sup> *Sahīh al-Bukhārī* (660), *Sahīh Muslim* (1031), *al-Jāmi’ at-Tirmidhī* (2391), *Sunan an-Nasā’ī* (5380), *al-Muwaṭṭa’* (2742), and *Musnad Aḥmad* (9665)

**Hadīth 7:** Abū Mūsā al-Ash'arī رضي الله عنه narrated that the Messenger of Allāh صلوات الله عليه وآله وسالم said, “Glorifying Allāh involves honouring the grey-haired Muslim; the carrier (i.e. memoriser) of the Qur'ān, who neither transgresses its limits, nor turns away from it; and the just ruler.”<sup>19</sup>

**Commentary:** After mentioning the immense responsibility and danger associated with leadership positions, the author mentions the other edge of the sword. Along with the severe threats, is also the possibility to draw closer to Allāh صلوات الله عليه وآله وسالم in a way few can hope for. He, the all-Knowing the most Wise, is fully aware of mankind's weaknesses and propensity to oppress himself and others, especially when one wields authority. Thus, He صلوات الله عليه وآله وسالم has prepared an immense reward for those who fear Him and discharge such responsibilities faithfully, despite their difficulties. He صلوات الله عليه وآله وسالم also knows that his intelligent and cautious slaves fear His displeasure, and are acutely aware of the mortal danger surrounding authority and responsibility, and are thus reluctant to accept such burdens if they have a choice.

Accordingly, Allāh صلوات الله عليه وآله وسالم has placed such incentives for the sincere believers in order to encourage them to bear such trusts if appointed. As, leadership is indeed a must, with mankind not being able to function as intended without governance, structure, and someone to guide their affairs. *Shaykh al-Islām* ibn Taymiyyah رحمه الله remarks concerning this in *as-Siyāsah ash-Shar'iyyah* (pgs.447&448),<sup>20</sup> “It must be acknowledged that the governance of the people's affairs is from among the greatest obligations of the religion. Nay, the [affairs of the] Religion and the *Dunyā* cannot be established without it. For indeed, the welfare of the children of Ādam cannot be accomplished without life in a social group, due to their need of each other; and they cannot do without a leader while [living] in human society, to the extent that the Prophet صلوات الله عليه وآله وسالم said:

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<sup>19</sup> *Sunan Abū Dāwūd* (4843)

<sup>20</sup> (*at-Ta'līq 'alā*) *as-Siyāsah ash-Shar'iyyah*: *fī Islāh ar-Rā'i wa'r-Ra'iyyah*, Second Edition (1434H) Mudār al-Waṭān Publishers, KSA

إِذَا خَرَجَ ثَلَاثَةٌ فِي سَفَرٍ فَلْيُؤْمِنُوا أَحَدُهُمْ

*'If three set out on a journey, let them appoint one of them as an Amīr'.*<sup>21</sup>

The issue of justice is indeed a pivotal theme in the religion of Islām, and it is for this reason Allāh ﷺ sent messengers and revealed the Book, as is clear in His noble words in *Sūrah al-Hadīd* (57:25):

﴿لَقَدْ أَنْزَلْنَا رُسُلًا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُولُوا إِنَّا أَنَا بِالْقِسْطِ وَأَنَّا أَنْذِرْنَا الْحَدِيدَ فِيهِ بَأْسٌ شَدِيدٌ وَمَنَفْعٌ لِلنَّاسِ وَلِيَعْلَمَ اللَّهُ مَنْ يَنْصُرُ دُولَهُ وَرُسُلَهُ وَالْعَبِيْبُ إِنَّ اللَّهَ قَوِيٌ عَزِيزٌ﴾

*We have already sent Our messengers with clear evidences and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice. And We sent down [i.e., created] iron, wherein is great military might and benefits for the people, and so that Allāh may make evident those who support Him and His messengers unseen. Indeed, Allāh is Powerful and Exalted in Might.*

It is therefore to establish and preserve justice that the *Mujāhid* carries his weapon and fights, sacrificing his blood and wealth. Understanding this helps the believer to appreciate the importance and nobility of the just leader that guides the *Ummah* in her *Jihād* to establish justice in relation to the rights of the Creator ﷺ, and in relation to the rights of His creation. Like ibn Taymiyyah رحمه اللہ said, "A deed's reward corresponds with its benefit, advantage, and usefulness,"<sup>22</sup> and what could be more useful than the just leader who conducts his, and the peoples affairs in accordance with the Book and the *Sunnah*?

<sup>21</sup> *Šaḥīḥ Muslim* (672), *Sunan Abī Dāwūd* (2608), *Sunan an-Nasā'ī* (782), *Sunan ad-Dārimī* (1289), and *Musnad Aḥmad* (11190)

<sup>22</sup> *Majmū' al-Fatāwā* (25/279)

As such, it is reported that al-Fudayl ibn ‘Iyyād (رضي الله عنه) (and others) would say, “If I had an invocation that was to be answered, I would not make it except for the leader.” It was said to him, “O Abā ‘Alī, explain this (statement) for us.” He replied, “If I made an invocation for myself, it would not go beyond me. Whereas, if I make it for the leader and he is rectified, all of the slaves (i.e. people) and the land would in turn be rectified.”<sup>23</sup>

Due to the benefit Allāh ﷺ has placed in such individuals, He has decreed that they be honoured on the Day of Judgement, and that they be honoured in this life, as long as they maintain justice. Indeed, the Prophet ﷺ informed the believers in a *Hadīth* recorded in *Musnad Ahmad* (11174):

إِنَّ أَحَبَّ النَّاسِ إِلَى اللَّهِ عَزَّ وَجَلَّ يَوْمَ الْقِيَامَةِ وَأَقْرَبُهُمْ مِنْهُ مَجْلِسًا: إِمَامٌ عَادِلٌ،  
وَإِنَّ أَبْغَضَ النَّاسِ إِلَى اللَّهِ يَوْمَ الْقِيَامَةِ وَأَشَدُهُ عَذَابًا: إِمَامٌ جَائِرٌ

“Indeed the most beloved of people to Allāh ﷺ, and who will sit the closest to Him on the Day of Standing is the just leader, and the most hated to Allāh on the Day of Standing, and the one who will receive the severest punishment is the tyrannical leader.”

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<sup>23</sup> *Sharḥ as-Sunnah* (lī'l-Barbahārī), Forth edition (1434H), Maktabah Dār al-Minhāj, KSA, (pgs.113&114), (127)

(4)

## THE PROHIBITION OF GRANTING LEADERSHIP TO THOSE WHO SEEK IT

عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ قَالَ: قَالَ لِي رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: «يَا عَبْدَ الرَّحْمَنِ، لَا تَسْأَلِ الْإِمَارَةَ، فَإِنَّكَ إِنْ أُعْطِيَتَهَا عَنْ مَسْأَلَةٍ وُكِلْتَ إِلَيْهَا، وَإِنْ أُعْطِيَتَهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا»

**Hadīth 8:** ‘Abd ar-Rahmān ibn Samurah رضي الله عنه narrated that the Messenger of Allāh ﷺ said to him, “O ‘Abd ar-Rahmān, do not ask for leadership. For indeed, if you are given it after asking for it, Allāh will leave you (alone) to it; and if you are given it without asking for it, Allāh will assist you in it.”<sup>24</sup>

عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ، قَالَ: دَخَلْتُ عَلَى النَّبِيِّ عَلَيْهِ السَّلَامُ أَنَا وَرَجُلَاً مِنْ قَوْمِي، فَقَالَ أَحَدُ الرَّجُلَيْنِ: أَمْرَنَا يَا رَسُولَ اللَّهِ، وَقَالَ الْآخَرُ مِثْلُهُ، فَقَالَ: «إِنَّمَا لَا نُؤْلِي هَذَا مَنْ سَأَلَهُ، وَلَا مَنْ حَرَصَ عَلَيْهِ»

**Hadīth 9:** Abū Mūsā al-Ash’arī رضي الله عنه said he and two men from his tribe entered upon the Prophet ﷺ, thereupon one of them said, “O Messenger of Allāh, give us positions (of authority),” and the second man said something similar. Therefore, the Prophet ﷺ said, “Indeed we do not appoint those who request it or those who covet it (i.e. leadership).”<sup>25</sup>

<sup>24</sup> *Sahīḥ al-Bukhārī* (7146), *Sahīḥ Muslim* (1652), *Sunan Abī Dāwūd* (2929), *al-Jāmi’ at-Tirmidhī* (1529), *Sunan an-Nasā’ī* (3782), *Sunan ad-Dārimī* (2391), and *Musnad Aḥmad* (20616)

<sup>25</sup> *Sahīḥ al-Bukhārī* (7149), *Sahīḥ Muslim* (1733), *Sunan Abū Dāwūd* (2930), *Sunan an-Nasā’ī* (4), and *Musnad Aḥmad* (19508)

**Commentary:** The first *Hadīth* in the chapter relates to the individual, or candidate for leadership, emphasising the prohibition of requesting leadership. While the second addresses leaders and/or those tasked with appointing leaders; prohibiting them from selecting anyone who directly requests, or is understood to be nursing such ambitions, even if such a person does not ask for the position directly.

As stated previously, authority is a great responsibility, and can be a calamity for those lacking *Taqwā* and those not helped by Allāh ﷺ. As such, the act of asking for authority betrays qualities unbecoming for the believer who is fit for such a position.

This may be related to a person's craving for authority, seeking the power, wealth, status, and other such worldly trappings associated with corrupt leadership. Such ambitions to attain these things through impermissible means - leadership - clearly demonstrate that such a person is unfit to lead due to his apparent lack of *Taqwā* and *Ikhlās*. Alternatively, it reveals a person's complete lack of understanding regarding the burden and responsibility he is asking for, about which Allāh ﷺ Himself will question him on the Day of Judgement. This ignorance and naivety regarding the immense responsibility involved with leadership, especially in the field of *Jihād* wherein both blood and wealth are at stake, again clearly demonstrates a person's unsuitability for such roles.

An-Nawawī رَحْمَةُ اللَّهِ، in his commentary on the first *Hadīth* (8), states, "From (the *Hadīth*) it is clear that whoever asks for authority will not be aided by Allāh the Exalted, and thus will not have the ability to fulfil the position's requirements. (Therefore,) it is not appropriate that we appoint him, and due to this he ﷺ said, "*Indeed we do not appoint those who request it or those who covet it.*" In *Fath al-Bārī* (*Hadīth* 7149) ibn Ḥajar quotes al-Muhallab رَحْمَةُ اللَّهِ as saying, "The coveting of authority is the reason for people fighting each other over it, until blood is spilled, and wealth and chastity are (falsely) permitted, and great corruption occurs in the land."

Throughout history this phenomenon has indeed been witnessed, and is it particularly devastating when such fighting for power occurs in the lands of *Jihād*. This is because it undermines the noble goals and objectives of *Jihād*, tarnishes the name and image of the sincere *Mujāhidīn*, and provides the enemies of Islām with unprecedented opportunities to attack and discredit Islām.

Thus, the sincere *Mujāhid* must be aware of the plots of Satan and realise that, like in every other sphere of life, there exists *Munāfiqīn* in the fields of *Jihād* who think little of using ‘religious’ arguments to achieve their worldly aims. This was also the case in the era of the Companions ﷺ, and like in their period and the ages succeeding them, rarely does fighting take place between believers, except that it is for worldly, and not heavenly, reasons.<sup>26</sup> Accordingly, it is not for the believer to allow himself to fall victim to the deception of unscrupulous leaders seeking to incite him into using his weapon for anything other than raising the Word of Allāh ﷺ to the uppermost and defending the oppressed.

There is however, an exception to the prohibition on requesting to be given authority, evident in the words of Yūsuf عليه السلام to the King:

﴿أَجْعَلْنِي عَلَىٰ خَرَابِ الْأَرْضِ إِنِّي حَفِظٌ عَلَيْهِمْ﴾

**“Appoint me over the storehouses of the land. Indeed, I will be a knowing guardian.”<sup>27</sup>**

Also in the Prophet Sulaymān’s عليه السلام words to his Lord:

<sup>26</sup> Although it cannot be suggested by anyone that believes in Allāh and the Last Day that the Companions ﷺ differed, and eventually fought, over reasons other than religious, and their attempts to arrive at the Truth and Allāh’s Pleasure. Nevertheless, those who, instead of trying to reconcile between the believers, strove to fan the flames of war and enmity, were none other than the *Munāfiqīn*, seeking by their actions to ignite conflict between the believers for no other reason than to pursue their corrupt worldly motives.

<sup>27</sup> *Sūrah Yūsuf* (12):55

﴿رَبِّ اغْفِرْ لِي وَهَبْ لِي مُلْكًا لَا يَنْبَغِي لِأَحَدٍ مِّنْ بَعْدِي إِنَّكَ أَنْتَ الْوَهَابُ﴾

***“My Lord, forgive me and grant me a kingdom such as will not belong to anyone after me. Indeed, You are the Bestower.”<sup>28</sup>***

Accordingly, some of the ‘Ulamā considered this an exception to the general rule, with some holding it to be specific to only the Prophets ﷺ. However, what appears correct is that it is allowed to seek authority if one knows that he is the best suited for the position. Meaning, that if one does not put himself forward for the position, it would be left for the insincere and/or incompetent, and as a result, the people would be adversely affected. This is of especial importance when related to the issue of the *Ummah’s Jihād*, wherein incompetent leaders (and ignorant followers) have squandered many of the bounties Allāh bestowed upon them - from manpower, to wealth and resources. Such calamities are particularly evident in the military and political fields. But by far the most devastating manifestation of those suited for leadership declining to put themselves forward, when they know others are incompetent, is that the message has been neglected, and the sword is no longer guided by the Book. This is by no means the case everywhere - and all praises are due to Allāh - nevertheless, this unfortunate calamity does appear particularly evident today in places such as Libya and Syria - and Allāh indeed knows best.

In such instances, it is upon those capable of leading the *Jihād* towards its divine objectives to be more proactive in steering the affairs of the believers, lest the fruits of their sacrifices be lost, or worse, are harvested by the disbelievers, apostates, and/or *Munāfiqīn*.

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<sup>28</sup> *Sūrah Shād* (38):55

(5)

## NOT GRANTING LEADERSHIP TO THOSE WHO ARE INCOMPETENT OR UNTRUSTWORTHY

عَنْ أَبِي ذَرٍّ قَالَ: قُلْتُ يَا رَسُولَ اللَّهِ، أَلَا تَسْتَعْمِلُنِي؟ قَالَ: فَضَرِبَ بِيَدِهِ عَلَىٰ مَنْكِبِي، ثُمَّ قَالَ: «يَا أَبَا ذَرٍّ، إِنَّكَ ضَعِيفٌ، وَإِنَّهَا أَمَانَةٌ، وَإِنَّهَا يَوْمَ الْقِيَامَةِ حُرْزٌ وَنَدَامَةٌ، إِلَّا مَنْ أَخْذَهَا بِحَقِّهَا، وَأَدَى الَّذِي عَلَيْهِ فِيهَا»

**Hadīth 10:** Abū Dharr al-Ghifārī رضي الله عنه narrated that he said, “O Messenger of Allāh, will you not use me (as a leader)?” So he hit me on my shoulder then said, “*O Abū Dharr you are weak and it (i.e. leadership) is a trust; and it will be a source of disgrace and regret on the Day of Resurrection, except for he who fulfils its rights and discharges that which is upon him regarding the position.*”<sup>29</sup>

**Commentary:** Leadership is indeed an *Amānah* (trust) from amongst the greatest of *Amānāt* Allāh ﷺ has placed upon the believers. However, it is not an obligation binding upon every responsible and capable believer to undertake. Rather, a relatively small number of individuals from amongst the *Ummah* need fulfil it. As such, it should (generally) not be sought, nor should it be given to the untrustworthy or those incapable of meeting its needs.

As stated by an-Nawawī رحمه الله، the “*disgrace and regret on the Day of Resurrection*,” “Is for the one not fit for the position (but who nonetheless requests it), or for the one who is fit, but is not just when discharging his duties.”

Commenting on this topic, *Shaykh al-Islām* ibn Taymiyyah رحمه الله says in *as-Siyāsah ash-Shar'iyyah* (p.23), “It is *Wājib* upon the leader (*Walī al-*

<sup>29</sup> *Sahīh Muslim* (1825), *Sunan Abī Dāwūd* (2868), *Sunan an-Nasā'ī* (3667), and *Musnad Aḥmad* (21513)

*Amr)* to appoint the best person he finds for every position from amongst the Muslims' positions. The Prophet ﷺ said:

مَنْ وَلَيَ مِنْ أَمْرِ الْمُسْلِمِينَ شَيْئًا، فَوَلَى رَجُلًا وَهُوَ يَجِدُ مَنْ هُوَ أَصْلَحُ  
لِلْمُسْلِمِينَ مِنْهُ فَقَدْ خَانَ اللَّهَ وَرَسُولَهُ

*‘Whoever is appointed over any of the affairs of the Muslims, and he appoints a man although he finds one better for the Muslims; he has indeed been treacherous to Allāh, His Messenger, and the believers.’*<sup>30</sup>

Allāh ﷺ, in *Sūrah al-Qaṣāṣ* (28:26), outlines the most important qualities a leader should possess, stating:

﴿إِنَّ خَيْرَ مَنْ أَسْتَعْجَلَتْ الْقُوَىُّ الْأَمَمُونُ﴾ (٢٦)

*“... Indeed, the best one you can hire is the strong and the trustworthy.”*

Shaykh ‘Abd ar-Rahmān as-Sa’dī رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ وَبَرَّهُ says about the above verse in his *Tafsīr*, “And the best one to employ is the one that combines between these two qualities, meaning strength and the capability to perform the task he is hired for, and trustworthiness in this regard; meaning the absence of treachery [and presence of piety]. It is a must that these two characteristics be considered with regards to anyone that is charged to carry out a task for the people, whether he is being paid for the job or not.”

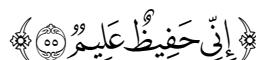
Nevertheless, ibn Taymiyyah رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ وَبَرَّهُ says in *as-Siyāsah ash-Shar’iyah* (pgs.47&48), “The people who combine capability and trustworthiness

<sup>30</sup> A similar narration is reported in *al-Muṣṭadrak* (7023). *Al-Ḥākim* said regarding it, “This *Ḥadīth*’s *Isnād* is *Ṣaḥīḥ* although they did not record it (in their books, i.e. *al-Bukhārī* and *Muslim*).” Nevertheless, *al-Albānī* considered it weak in his *Da’īf al-Jāmi’* (5401). Regardless of this apparent difference regarding the authenticity of the narration, its meaning is undoubtedly correct, as confirmed by numerous texts from the Book and the *Sunnah*.

are few, and due to this ‘Umar ibn al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ used to say: ‘O Allāh, I complain to You about the capable evil person, and the incompetent pious one.’ Therefore, it is *Wājib* to appoint for every position the most suitable in relation to the office. Therefore, if there are two candidates - one of them more pious, while the other is stronger (i.e. more capable) - the most beneficial and least harmful of the two for the post is selected. Thus, the strong and brave man is given precedence for the office of war, even if he commits evil deeds, over the weak and incapable man, even if he is pious.

Correspondingly, *Imām* Aḥmad رَضِيَ اللَّهُ عَنْهُ was asked about two men that are leaders in war; one of them being capable but evil, while the other righteous but incapable - which one of them should be fought alongside? He replied, ‘As for the capable but evil, then his strength is for the Muslims and his evil affects *only* himself. While as for the righteous but incapable, then his righteousness is for himself, but his weakness will affect the Muslims.’”

In ‘Awn al-*Ma’būd* (*Hadīth* 2868) *al-Imām* ‘Izz ibn ‘Abd as-Salām رَضِيَ اللَّهُ عَنْهُ stated, “... Positions of authority have two conditions: Knowledge of its necessities, and the ability to achieve the benefits associated with the position and ward off any harm associated with it. Indeed Yūsuf عَلَيْهِ الْأَصْلَحَةُ وَالسَّلَامُ informed (us of) these two conditions with his words:



“*Indeed, I will be a knowing guardian.*”<sup>31</sup>

Consequently, if these two conditions are absent in an individual, it is *Harām* to appoint him.”

In addition, it should not be forgotten that even if the most suitable person present should be selected for leadership that should not prevent the Muslims from searching elsewhere for a better alternative.

<sup>31</sup> *Sūrah Yūsuf* (12):55

Moreover, on-going training programmes should put in place to improve the skills and address the shortcomings of those in authority. This is especially the case wherein individuals are appointed, not because they fulfil the necessary requirements, but simply because they are the best person available at the time. Unjustified reluctance to participate in such initiatives should serve as an indication of the individual being unsuitable for such responsibilities, as such behaviour serves as an indication of an insincere intention - and Allāh knows best.

Likewise, positions concerned with the affairs of the general Muslims, and not just of those in a specific group or movement, should be given to the best Muslim available, regardless of his affiliation to the said group or movement.

(6)

## THE OBJECTIVE OF JIHĀD, AND LONGING FOR BATTLE AND MARTYRDOM

عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ أَعْرَابِيُّ لِلنَّبِيِّ عَلَيْهِ السَّلَامُ: الرَّجُلُ يُقَاتِلُ لِلْمَغْنِمِ، وَالرَّجُلُ يُقَاتِلُ لِيُذْكَرَ، وَيُقَاتِلُ لِيُرَى مَكَانُهُ، مَنْ فِي سَبِيلِ اللَّهِ؟ فَقَالَ: «مَنْ قَاتَلَ، لَتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا، فَهُوَ فِي سَبِيلِ اللَّهِ»

**Hadīth 11:** Abū Mūsā al-Ash'arī رَضِيَ اللَّهُ عَنْهُ narrated that a Bedouin said to the Prophet ﷺ, “A man fights for spoils, and a man fights to be mentioned, and a man fights for fame; who is the one fighting in the Cause of Allāh?” The Prophet ﷺ said, “He who fights so that Allāh’s Word (i.e. His Book) should be superior is the one who fights in the Cause of Allāh.”<sup>32</sup>

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: أُمِرْتُ أَنْ أَقَايِلَ النَّاسَ حَتَّى يَقُولُوا: لَا إِلَهَ إِلَّا اللَّهُ، فَمَنْ قَالَ: لَا إِلَهَ إِلَّا اللَّهُ، فَقَدْ عَصَمَ مِنِي نَفْسَهُ وَمَالَهُ، إِلَّا بِحَقِّهِ وَحِسَابِهِ عَلَى اللَّهِ

**Hadīth 12:** Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that the Messenger of Allāh ﷺ said, “I have been ordered to fight the people until they say, ‘There is no deity worthy of worship besides Allāh.’ Whoever says, ‘There is no deity worthy of worship besides Allāh,’ has safeguarded his self and wealth from me, except for its right (i.e. the rights of Islām), and his reckoning will be with Allāh.”<sup>33</sup>

<sup>32</sup> *Şaħħiħ al-Bukhārī* (3126), *Şaħħiħ Muslim* (1904), *Sunan Abī Dāwūd* (2517), *al-Jāmi’ at-Tirmidhī* (1646), *Sunan an-Nasā’ī* (3136), *Sunan ibn Mājah* (2783), and *Musnad Aḥmad* (19493). The wording is al-Bukhārī’s.

<sup>33</sup> *Şaħħiħ al-Bukhārī* (2946), *Şaħħiħ Muslim* (20), *Sunan Abī Dāwūd* (1556), *al-Jāmi’ at-Tirmidhī* (2606), *Sunan an-Nasā’ī* (2443), *Sunan ibn Mājah* (71), and *Musnad Aḥmad* (67).

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «وَالَّذِي نَفْسِي  
بِيَدِهِ لَوْلَا أَنَّ رِجَالًا مِنَ الْمُؤْمِنِينَ لَا تَطِيبُ أَنفُسُهُمْ أَنْ يَتَحَلَّفُوا عَنِّي، وَلَا أَجِدُ  
مَا أَخْمَلُهُمْ عَلَيْهِ مَا تَحَلَّفُ عَنْ سَرِيَّتِهِ تَغْرُو فِي سَبِيلِ اللَّهِ، وَالَّذِي نَفْسِي بِيَدِهِ  
لَوِدَّدْتُ أَنِّي أُقْتَلُ فِي سَبِيلِ اللَّهِ، ثُمَّ أُحْيَا، ثُمَّ أُقْتَلُ، ثُمَّ  
أُحْيَا، ثُمَّ أُقْتَلُ»

**Hadīth 13:** Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that he heard the Messenger of Allāh ﷺ saying, “By the One in whose Hand my soul is, had it not been for the fact that there are believing men who I can find no mounts for and find it very hard remaining behind while I go out. I would not have remained behind any unit venturing out in the Cause of Allah. By the One in whose Hand my soul is, I wish that I would be killed in the Cause of Allāh, then brought back to life, then killed, then brought back to life, then killed, then brought back to life, and then killed.”<sup>34</sup>

**Commentary:** As contained in the words of the Prophet ﷺ in the first *Hadīth*, the ultimate aim and objective of *Jihād* is to elevate and make supreme Allāh’s Word, which according to ibn Taymiyyah رَحْمَةُ اللَّهِ عَلَيْهِ، is a collective noun for His Words that are contained in His Book. Thus, Allāh says:

﴿لَقَدْ أَرْسَلْنَا رُسُلًا إِلَيْكُمْ بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ  
الْأَنْسَاسُ بِالْقِسْطِ﴾

*Indeed We have sent Our Messengers with the clear proofs and have revealed to them the Scriptures and the balance that mankind may keep up justice.*

<sup>34</sup> *Ṣaḥīḥ al-Bukhārī* (2797), *Ṣaḥīḥ Muslim* (1876), *Sunan an-Nasā'ī* (3098), *al-Muwaṭṭa'* (1324), and *Musnad Aḥmad* (7157)

Therefore, the purpose for sending the Messengers and revealing the Books, was so that mankind may establish justice, regarding Allāh's Rights and the rights of mankind.”<sup>35</sup>

The ultimate objective of *Jihād* is thus summarised in *as-Siyāsah ash-Shar'iyyah* (p.359) with ibn Taymiyyah رحمه اللہ عزیز stating, “The goal of *Jihād* is that the Word of Allāh be raised to the uppermost, and the religion in its entirety is for Allāh alone...”

Evidence for this is apparent in the words of Allāh in *Sūrah al-Anfāl* (8:39) wherein He ﷺ says:

﴿وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَيَكُونَ الَّذِينَ كُلُّهُمْ وَلِلَّهِ﴾

*And fight them until there is no fitnah and [until] the religion [i.e., worship], all of it, is for Allāh.*

Ibn Kathīr رحمه اللہ عزیز says in his *Tafsīr* of the above verse, “ad-Dahhāk reported that ibn ‘Abbās said about the verse, *And fight them until there is no fitnah*: ‘So that there is no more *Shirk*.’”

It is clear then, that *Jihād* is not an objective in-and-of itself, rather it is but a means to an altogether nobler end - the establishment of *Tawhīd*, and the removable of anything and anyone that present obstacles to achieving this.

The second *Hadīth* also supports this understanding. When the Prophet ﷺ said, “Until they say, ‘There is no deity worthy of worship besides Allāh,’” it means that *Jihād* was legislated as a means to eradicate disbelief and its authority in the land. Once the people accept Islām, either by embracing it, by paying the *Jizyah* in a state of humiliation and accepting Islām’s authority to govern, or by conducting a peace treaty with the Muslims, they are not to be fought.

<sup>35</sup> *Majmū’ al-Fatāwā* (28/263)

Consequently, it is imperative that the leader waging *Jihād* in the Cause of Allāh ﷺ understands that his purpose is not just to spill blood and cause destruction. Rather, he employs these means, if necessary, to raise the Word of Allāh and spread *Tawhīd* - the purpose for creation, as is clear in Allāh's Words:

﴿وَمَا خَلَقْتُ الْجِنَّةِ وَالْإِنْسَانَ إِلَّا لِيَعْبُدُونِ﴾<sup>36</sup>

*And I did not create the jinn and mankind except to worship Me.*<sup>36</sup>

Ibn ‘Abbās رضي الله عنهما said, “Every place in which it is mentioned *to worship Allāh* in the Qur’ān; its meaning is *to single Allāh out for worship* (i.e. to establish *Tawhīd*).”<sup>37</sup>

In essence, the *Mujāhid* is an armed missionary tasked with conveying the message himself, or if this is not possible, clearing the path for the scholars and preachers to establish *Tawhīd* and its call throughout the land. The leader must therefore ensure that the knowledge and understanding governing this reality is present in his followers, and furthermore, animates their every action upon whilst traversing the path to meet their Lord.

Scholars also mention other objectives of *Jihād* being the aiding of the oppressed, and repelling the disbeliever's aggression and defending Islām. These noble objectives are evident in the following verses:

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<sup>36</sup> *Sūrah adh-Dhāriyāt* (51):56

<sup>37</sup> Refer to Shaykh ‘Abd ar-Rahmān ibn Muḥammad ibn al-Qāsim's *Hāshiyah Thalāthah al-Uṣūl* when he comments on the words, “and the meaning of **worship Me** is to single Me out for every type of worship (i.e. *Tawhīd*).”

﴿وَمَا لَكُمْ لَا تُقْتَلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ  
الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ أَظْلَالِهَا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيَّا  
وَاجْعَلْ لَنَا مِنْ لَدُنْكَ نَصِيرًا﴾ <sup>٧٥</sup>

*And what is [the matter] with you that you fight not in the cause of Allāh and [for] the oppressed among men, women, and children who say, “Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?”<sup>38</sup>*

And:

﴿إِذْنَ لِلَّذِينَ يُقْتَلُونَ بِأَنَّهُمْ ظَلَمُوا وَإِنَّ اللَّهَ عَلَى نَصْرِهِمْ لَقَدِيرٌ<sup>٣٩</sup> الَّذِينَ أَخْرَجُوا  
مِنْ دِيْرِهِمْ بِغَيْرِ حَقٍّ إِلَّا أَنْ يَقُولُوا رَبُّنَا اللَّهُ وَلَوْلَا دَفْعَ اللَّهِ النَّاسَ  
بَعْضُهُمْ بَعْضٍ لَهُدِّمَتْ صَوَامِعٍ وَبَيْعٍ وَصَلَوَاتٍ وَمَسَاجِدٍ يُذْكَرُ فِيهَا أَسْمُ  
الَّهِ كَثِيرًا وَلَيَنْصُرَنَّ اللَّهُ مَنْ يَنْصُرُهُ<sup>٤٠</sup> إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ<sup>٤١</sup>﴾

*Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allāh is competent to give them victory. [They are] those who have been evicted from their homes without right - only because they say, “Our Lord is Allāh.” And were it not that Allāh checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allāh is much mentioned [i.e., praised]. And Allāh will surely support those who support Him [i.e., His cause]. Indeed, Allāh is Powerful and Exalted in Might.*<sup>39</sup>

<sup>38</sup> Sūrah an-Nisā (4):75

<sup>39</sup> Sūrah al-Hajj (22):39&40

Understanding these noble objectives, the believer cannot help but be moved to wage *Jihād* in the Cause of Allāh. Realizing the rewards Allāh ﷺ has prepared for the *Mujāhidīn*, and the punishment promised for those who abandon this noble deed only serves to intensify the enthusiasm of the sincere believer. Allāh ﷺ says in *Sūrah at-Tawbah* (9:44&45):

﴿لَا يَسْتَدِنُكَ الَّذِينَ يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ يُجْهَدُوا بِأَمْوَالِهِمْ  
وَأَنفُسِهِمْ وَاللَّهُ عَلَيْهِ مِنِ الْمُتَّقِينَ ﴾٤٤ إِنَّمَا يَسْتَدِنُكَ الَّذِينَ لَا يُؤْمِنُونَ  
بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَأَرْتَابَتْ قُلُوبُهُمْ فَهُمْ فِي رَيْبٍ مُّرْتَدُوْرَتْ ﴾٤٥﴾

*Those who believe in Allāh and the Last Day would not ask permission of you to be excused from striving [i.e., fighting] with their wealth and their lives. And Allāh is Knowing of those who fear Him. Only those would ask permission of you who do not believe in Allāh and the Last Day and whose hearts have doubted, and they, in their doubt, are hesitating.*

As such, ibn Taymiyyah رَجُلَ اللَّهِ has said, “*Imān* (i.e. belief in Allāh) is not completed except with *Jihād*, as Allāh said:

﴿إِنَّمَا الْمُؤْمِنُونَ الَّذِينَ ءَامَنُوا بِاللَّهِ وَرَسُولِهِ ثُمَّ لَمْ يَرَتَ أَبُو وَجَهَدُوا  
بِأَمْوَالِهِمْ وَأَنفُسِهِمْ فِي سَبِيلِ اللَّهِ أُولَئِكَ هُمُ الْأَصَدِقُونَ ﴾٤٥﴾

*The believers are only the ones who have believed in Allāh and His Messenger and then doubt not but strive with their properties and their lives in the cause of Allāh. It is those who are the truthful.”<sup>40</sup>*

The verses in the Qur’ān and *Aḥādīth* mentioning the virtues associated with *Jihād* and *Shahādah* (Martyrdom) are numerous indeed, second

<sup>40</sup> *Sūrah al-Hujurāt* (49):15, in *Qā’idah fi l-Inghimās* (p.17)

only to those associated with the prayer.<sup>41</sup> The Prophet ﷺ informed the believers that *Jihād* is the pinnacle of the religion, saying:

رَأْسُ الْأَمْرِ إِلَّا إِسْلَامٌ، وَعَمُودُهُ الصَّلَاةُ، وَذِرْوَهُ سَنَامِهُ الْجِهَادُ

“The head of the matter is *Islām*, its pillar is the prayer, and its peak is *Jihād*.”<sup>42</sup>

Allāh ﷺ also informs the believers regarding the life of the *Shahīd* (martyr) with His exquisite words in *Sūrah Al 'Imrān* (3:169-171):

﴿وَلَا تَحْسِنَنَّ الَّذِينَ قُتُلُوا فِي سَبِيلِ اللَّهِ أَمْوَاتًا بَلْ أَحْيَاهُ اللَّهُ عِنْدَ رَبِّهِمْ يُرْزَقُونَ ﴾١٦٩  
﴿فَرِحِينَ بِمَا أَتَاهُمُ اللَّهُ مِنْ فَضْلِهِ وَيَسْتَبَشِّرُونَ بِالَّذِينَ لَمْ يَلْحَقُوْهُمْ مِنْ ﴾١٧٠  
﴿خَلِفَهُمْ أَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ ﴾١٧١ \* يَسْتَبَشِّرُونَ بِنِعْمَةِ مِنْ اللَّهِ  
﴿وَفَضْلٍ وَأَنَّ اللَّهَ لَا يُضِيعُ أَجْرَ الْمُؤْمِنِينَ ﴾١٧٢﴾

*And never think of those who have been killed in the cause of Allāh as dead. Rather, they are alive with their Lord, receiving provision, Rejoicing in what Allāh has bestowed upon them of His bounty, and they receive good tidings about those [to be martyred] after them who have not yet joined them - that there will be no fear concerning them, nor will they grieve. They receive good tidings of favour from Allāh*

<sup>41</sup> Shaykh al-*Islām* ibn Taymiyyah says in *Majmū' al-Fatāwā* (28/261), “The most important matter(s) of the religion are the prayer and *Jihād*, and for this reason the majority of the *Aḥādīth* from the Prophet ﷺ are concerning the prayer and *Jihād*. If he would return from visiting the sick he would say:

اللَّهُمَّ اشْفِ عَبْدَكَ يَشْهَدُ لَكَ صَلَاةً وَيَنْكِأُ لَكَ عَدُوًا

*O Allāh, cure your slave who testifies for You by praying, and inflicts destruction upon the enemy for Your sake.”*

Similar narrations are present in *Sunan Abī Dāwūd* (3107) and *Musnad Ahmad* (6600)

<sup>42</sup> *Jāmi' at-Tirmidhī* (2616) and *Sunan ibn Mājah* (3973)

*and bounty and [of the fact] that Allāh does not allow the reward of believers to be lost.*

Such words, and a reality that no eye has ever seen, no ear has ever heard, and no heart could ever imagine, made the Prophet ﷺ long for battle, despite being from the most merciful and tender-hearted of Allāh's creation. He likewise ardently desired *Shahādah* even though Allāh ﷺ had promised him that his enemies would not kill him. Such was the message; that those who became acquainted with it, and tasted the sweetness of *Imān*, would fall in love with *Shahādah* and the prospect of attaining Allāh's good pleasure. Amongst them was 'Umayr رَجُلُ اللَّهِ الْمَعْتَدِلُ, who when he heard the Prophet ﷺ say at Badr:

«قُومُوا إِلَى جَنَّةٍ عَرْضُهَا السَّمَوَاتُ وَالْأَرْضُ»، قَالَ: - يَقُولُ عُمَيْرُ بْنُ الْحُمَّامِ الْأَنْصَارِيُّ: - يَا رَسُولَ اللَّهِ، جَنَّةٌ عَرْضُهَا السَّمَوَاتُ وَالْأَرْضُ؟ قَالَ: «نَعَمْ»، قَالَ: بَخْ بَخْ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا يَحْمِلُكَ عَلَى قَوْلِكَ بَخْ بَخْ؟» قَالَ: لَا وَاللَّهِ يَا رَسُولَ اللَّهِ، إِلَّا رَجَاءَةً أَنْ أَكُونَ مِنْ أَهْلِهَا، قَالَ: «فَإِنَّكَ مِنْ أَهْلِهَا»، فَأَخْرَجَ تَمَرَاتٍ مِنْ قَرْنَيْهِ، فَجَعَلَ يَاكُلُّ مِنْهُنَّ، ثُمَّ قَالَ: لَئِنْ أَنَا حَيِّثُ حَتَّى أَكُلَّ تَمَرَاتِي هَذِهِ إِنَّهَا لَحَيَاةٌ طَوِيلَةٌ، قَالَ: فَرَمَى بِمَا كَانَ مَعَهُ مِنَ التَّمَرِ، ثُمَّ قَاتَلَهُمْ حَتَّى قُتِلَ

“Stand up for a Paradise as wide as the heavens and earth.” said, “O Messenger of Allāh, a Paradise as wide as the heavens and earth!” He said, “Yes.” ‘Umayr exclaimed “*Bakhin Bakhin* (an expression of praise and satisfaction).” So the Prophet ﷺ said, “What caused you say *Bakhin Bakhin*?” He said, “By Allāh, nothing O Messenger of Allāh, except that I hope I will be one of its inhabitants.” The Prophet ﷺ replied, “In that case, you are indeed one of them.” After that ('Umayr) took out some dates from his quiver and started to eat from them. He then said, “If I live as long as it takes me to finish these dates, indeed it

would be a long life!” He then threw the dates from his hand and fought until he was killed.<sup>43</sup>

*Shahādah* is therefore a bi-product and reward for fighting to raise the Word of Allāh, bringing victory to Islām, and defending the oppressed, and *Jihād* is its gateway. For indeed, the Messenger of Allāh ﷺ said:

وَاعْلَمُوا أَنَّ الْجَنَّةَ تَحْتَ ظِلَالِ السُّيُوفِ

“Know, that Paradise is indeed beneath the shade of swords.”<sup>44</sup>

As a result, it is not only suspected that the *Mujāhid* longs to fight in the Cause of Allāh ﷺ, as he knows this is the shortcut to Paradise and Allāh’s pleasure, but it is also commendable and from the *Sunnah* of the Messenger ﷺ.

﴿أَمْ حَسِبْتُمْ أَنَّ تَدْخُلُوا الْجَنَّةَ وَلَمَّا يَعْلَمَ اللَّهُ الَّذِينَ جَاهَدُوا مِنْكُمْ وَيَعْلَمَ  
الصَّابِرِينَ﴾

*Or do you think that you will enter Paradise while Allāh has not yet made evident those of you who fight in His cause and made evident those who are steadfast?*<sup>45</sup>

<sup>43</sup> *Şaħīħ al-Bukhārī* (4480), *Şaħīħ Muslim* (1901), *Sunan Abī Dāwūd* (2618), *Sunan at-Tirmidhī* (619), *Sunan ad-Dārimī* (676), and *Musnad Aḥmad* (12398)

<sup>44</sup> *Şaħīħ al-Bukhārī* (2818), *Şaħīħ Muslim* (1742), *Sunan Abī Dāwūd* (2631), and *Musnad Aḥmad* (19114)

<sup>45</sup> *Sūrah Āl 'Imrān* (3):142

## (7) THE MEANS OF JIHĀD

عَنْ أَنَسٍ، أَنَّ النَّبِيَّ ﷺ قَالَ: «جَاهِدُوا الْمُشْرِكِينَ بِأَمْوَالِكُمْ وَأَنفُسِكُمْ وَالْسِنَّتِكُمْ»

**Hadīth 14:** Anas رضي الله عنه narrated that the Prophet ﷺ said, “Wage Jihād (i.e. fight) against the polytheists with your wealth, your selves, and your tongues.”<sup>46</sup>

**Commentary:** This *Hadīth* demonstrates the concept of *Jihād*, even when restricting it to the *Jihād* of (i.e. against) the disbelievers,<sup>47</sup> remains broad concept indeed, encompassing many actions and components, with physical fighting being just one aspect thereof.

In another narration collected in *Musnad Aḥmad: Musnad Anas ibn Mālik* (12555) this is further emphasised, with the addition:

جَاهِدُوا الْمُشْرِكِينَ بِأَلْسِنَتِكُمْ، وَأَنفُسِكُمْ، وَأَمْوَالِكُمْ، وَأَيْدِيَكُمْ

“Wage Jihād (i.e. fight) against the polytheists with your tongues, your selves, your wealth, and your hands.”<sup>48</sup>

Here it becomes clear that *Jihād al-Kuffār*, also called *Jihād bi 'n-Nafs* (i.e. *Jihād* with the self), is waged using a number of means, and fighting the disbelievers is not restricted to physical combat alone.

<sup>46</sup> *Sunan Abī Dāwūd* (2504), *Sunan an-Nasā'ī* (3096), *Sunan ad-Dārimī* (2475), and *Musnad Aḥmad* (12246)

<sup>47</sup> Imām ibn Qayyim said in *Zād al-Ma'ād*, “*Jihād* has four levels: *Jihād an-Nafs* (i.e. *Jihād* of the self), *Jihād ash-Shayṭān* (i.e. *Jihād* against Satan), *Jihād al-Kuffār* (i.e. *Jihād* against the disbelievers), and *Jihād al-Munāfiqīn* (i.e. *Jihād* against the hypocrites).” He then proceeds to explain each of these four levels

<sup>48</sup> The *Isnād* is *Ṣaḥīḥ* according to the conditions of Muslim

Rather, the tongue, wealth, self, and hand, are all employed when fighting and waging war against the disbelievers.

In *Subul as-Salām: Kitāb al-Jihād* (pgs.1035&1036),<sup>49</sup> *Imām* Muḥammad ibn Ismā'īl aş-Şan'ānī رَحْمَةُ اللَّهِ تَعَالَى مَوْلَانَا clarifies this, stating, “The *Hadīth* is evidence of the obligation of *Jihād* with the self; and it is by venturing out and pursuing (fighting with) the disbelievers. And with the wealth; and it is to sacrifice ones wealth for whatever is needed to establish (the *Jihād*), from spending upon the *Jihād* (i.e. fighting), weapons, and their likes. This is the meaning of numerous verses in the Qur’ān, such as:

﴿وَجَاهُهُ دُرْأَىٰ بِأَمْوَالِكُمْ وَأَنفُسِكُمْ﴾

*and strive with your wealth and your lives.*<sup>50</sup>

And *Jihād* with the tongue is performed by establishing the evidence upon them and calling them to Allāh the Exalted, by raising the voice when encountering and rebuking them, and their likes from everything that vexes the enemy:

﴿وَلَا يَنْأَلُونَ مِنْ عَدُوٍّ تَيْلًا إِلَّا كُتِبَ لَهُمْ بِهِ عَمَلٌ صَالِحٌ﴾

*Nor do they inflict upon an enemy any infliction but that it is registered for them as a righteous deed.*<sup>51</sup>

And he عَلَيْهِ الْأَصْلَاحُ وَالسَّلَامُ said to Ḥassān رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ:

إِنَّ هَجْوَ الْكُفَّارِ أَشَدُ عَلَيْهِمْ مِنْ وَقْعِ النَّبَلِ

<sup>49</sup> *Subul as-Salām: Sharḥ Bulūgh al-Marām*, Third Edition (2009), Jām’iyyah Ihyā at-Turāth al-Islāmī, Kuwait

<sup>50</sup> *Sūrah at-Tawbah* (9):41

<sup>51</sup> *Sūrah at-Tawbah* (9):120

*‘Indeed ridiculing the disbelievers is severer upon them then arrows falling (upon them).’’*

Commenting upon *Jihād* with the tongue, ibn Taymiyyah رحمه الله says in *Ṣārim al-Maslūl* (p.206),<sup>52</sup> “It can indeed be more powerful than (actual fighting).” Also included within *Jihād* with the tongue is inciting the believers to wage *Jihād*, as per Allāh’s command in *Sūrah an-Nisā* (4:84):

﴿فَقَاتِلُ فِي سَبِيلِ اللَّهِ لَا تَكُفُّ إِلَّا لِنَفْسِكَ وَحْرِضُ الْمُؤْمِنِينَ﴾

*And fight in the Cause of Allāh; you are not held responsible except for yourself. And incite the believers.*

This also involves teaching, and clarifying to the believers the virtues and rulings concerning *Jihād*, dispelling the doubts of the innovators, *Munāfiqīn*, and *Murjifīn* (discouragers). In addition, instructing the *Mujāhidīn* on military, tactical, and strategic matters, and revealing to the *Ummah* the exact nature of the conflict they are embroiled in. Likewise, exposing and the treachery of the apostates and *Munāfiqīn* from amongst the ‘Muslim’ rulers, scholars, and preachers. Also included within *Jihād* with the tongue, is carrying out psychological operations aimed at terrorising the disbelievers; weakening their moral and will to fight; and agitating their masses against their corrupt leaders, governments, and regimes.

Scholars have also derived from the words of the Prophet ﷺ, “Wage *Jihād* (i.e. fight) against the polytheists with your wealth, your selves, and your tongues,” that all of these forms of *Jihād* are *Wājib* (i.e. obligatory) upon the believer, with their rulings also being independent of one another. Meaning that, if, for one reason or another, the believer is incapable of performing one (or more) type of *Jihād*, he or she is still required to performing the remaining types. For example, if one is unable to perform *Jihād* with the wealth due to poverty, *Jihād* with the self and the tongue remain *Wājib*. Additionally, if one is unable to

<sup>52</sup> *as-Ṣārim al-Maslūl ‘alā Shātim ar-Rasūl* ﷺ, al-Haras al-Waṭanī, KSA

perform *Jihād* with the self, owing to a disability, then *Jihād* of the wealth and the tongue remain *Wājib*, and so on.

It must also be understood, that the various forms of *Jihād* mentioned are all types of fighting, as they directly contribute towards it, and as such, anything that directly contributes towards the fighting takes its ruling - and the ruling revolves around its reason.<sup>53</sup> Consequently, if due to a tactical or strategic benefit, an individual is placed in a role that does not involve physical combat, or due to his expertise or qualities, he is able to yield a greater benefit for the *Jihād* in another role, he is not deemed blameworthy for not physically fighting. Rather, he is discharging his obligation as it relates to *Jihād*. This is evident in the following incident, which occurred during the battle of *al-Ahzāb* in the 5<sup>th</sup> year *Hijrī*, an occasion when the *Jihād* was undoubtedly *Fard al-'Ayn* - an individual obligation upon every capable Muslim:

During the course of the disbelievers' siege on al-Madīnah, Nu'aym ibn Mas'ūd رَجُلٌ وَاحِدٌ، a former disbeliever, snuck through to the Prophet ﷺ announcing his conversion to Islām, which he had kept secret from his people, and requesting to join the Muslim forces, the Prophet ﷺ told him:

إِنَّمَا أَنْتَ فِينَا رَجُلٌ وَاحِدٌ، فَخَذِلْ عَنَّا إِنْ أَسْتَطَعْتَ، فَإِنَّ الْحَرْبَ خَدْعَةٌ

“Among us you are just one man, so on our behalf instigate betrayal among them if you are able, for indeed war is deception.”<sup>54</sup>

It should be clear then, that every role - combat or otherwise, needed to attain the objectives of *Jihād*, is included within its obligation, as whatever is needed to perform a *Wājib*, is *Wājib* in-and-of itself.<sup>55</sup>

<sup>53</sup> In Arabic, this principle is: (الحكم يدور مع عنته وجوداً وعدمها)

<sup>54</sup> Refer to *al-Bidāyah wa'n-Nihāyah*, (2015), al-Maktabah al-'Aṣriyyah, Beirut (3/270), and *as-Sīrah an-Nabawiyah as-Šāhīhah* (2/430)

<sup>55</sup> In Arabic, this principle is: (ما لا يتم الواجب إلا به فهو واجب)

(8)

## SAFEGUARDING UNITY, AND AVOIDING DISSENTION AND DISUNITY

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ اللَّهَ يَرْضَى لَكُمْ ثَلَاثًا، وَيَكْرَهُ لَكُمْ ثَلَاثًا، فَيَرْضَى لَكُمْ: أَنْ تَعْبُدُوهُ، وَلَا تُشْرِكُوا بِهِ شَيْئًا، وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا، وَيَكْرَهُ لَكُمْ: قِيلَ وَقَالَ، وَكَثْرَةُ السُّؤَالِ، وَإِضَاعَةُ الْمَالِ

**Hadīth 15:** Abū Hurayrah رضي الله عنه narrated that the Messenger of Allāh ﷺ said, “Indeed Allāh loves three things for you, and hates three things for you. He loves that you worship Him alone and do not associate anything with Him, hold fast to the Rope of Allāh (i.e. the Qur’ān) altogether, and you do not become divided. While He hates that you indulge in ‘He said, she said’ (i.e. useless gossip), excessive questioning, and wasting money.”<sup>56</sup>

عَنْ سَعِيدِ بْنِ أَبِي بُرْدَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ النَّبِيَّ ﷺ، بَعَثَ مُعَاذًا وَأَبَا مُوسَى إِلَى الْيَمَنِ قَالَ: «يَسِّرْا وَلَا تُعَسِّرَا، وَبَشِّرَا وَلَا تُنْفِرَا، وَتَطَوَّعَا وَلَا تَخْتَلِفَا»

**Hadīth 16:** Sa’īd ibn Abī Burdah narrated from his father who narrated from his grandfather رضي الله عنه that the Messenger of Allāh ﷺ, upon sending Mu’ādh and Abū Mūsā رضي الله عنهما to Yemen, instructed them, “Do not make things difficult, rather make them easy; do not alienate (the people), rather give them glad tidings; and do not differ, but rather you should cooperate.”<sup>57</sup>

<sup>56</sup> *Sahīh Muslim* (1715) and *Musnad Aḥmad* (8334)

<sup>57</sup> *Sahīh al-Bukhārī* (3038), *Sahīh Muslim* (1732), *Sunan Abī Dāwūd* (4835), and *Musnad Aḥmad* (19572)

**Commentary:** Allāh ﷺ has made unity amongst the believers a cause for Him bestowing His Victory upon them. Indeed, He has informed the believers that victory comes from Him alone, in order they depend not on worldly means to achieve victory, but on Him alone, saying:

﴿وَمَا أَنْصَرْتُ إِلَّا مَنْ عِنْدَ اللَّهِ قُوَّةٌ﴾

*And there is no victory except from Allāh.*<sup>58</sup>

Once this is understood, the believer is better placed to recognise that *Taqwā* is the key to his success, both on and off the battlefield.

Ibn Mas'ūd رضي الله عنه defined *Taqwā* as, “That He is obeyed and not defied, remembered and not forgotten, and appreciated and not unappreciated.”<sup>59</sup>

In numerous of places in the Qur'ān, Allāh ﷺ orders the believers to unify upon *Tawhīd* and adherence to the *Sunnah*. He ﷺ says in *Sūrah Al 'Imrān* (3:103):

﴿وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا﴾

*And hold firmly to the rope of Allāh all together and do not become divided.*

Likewise, in *Sūrah at-Tawbah* (9:36) He ﷺ commands the believers:

﴿وَقَاتِلُوا الْمُشْرِكِينَ كَمَا يُقَاتِلُونَكُمْ كَافَةً وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾

<sup>58</sup> *Sūrah Al 'Imrān* (3):126

<sup>59</sup> Refer to *Tafsīr ibn Kathīr*, *Sūrah Al 'Imrān* (3):102

*And fight against the disbelievers collectively as they fight against you collectively. And know that Allāh is with the righteous [who fear Him].*

Allāh also clarifies that disunity is a cause for defeat, and thus prohibits the believers from it, saying:

﴿وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَأَخْتَلُفُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ وَأُولَئِكَ لَهُمْ عَذَابٌ عَظِيمٌ﴾ ١٥

*And do not be like the ones who became divided and differed after the clear proofs had come to them. And those will have a great punishment.*<sup>60</sup>

In *Sūrah al-Anfāl* (8:46), Allāh warns the believers to avoid the causes of disunity, saying:

﴿وَلَا تَنْزَعُوا فَتَفَشَّلُوا وَتَذَهَّبَ رِيحُكُمْ﴾

*and do not dispute and [thus] lose courage and [then] your strength would depart.*

As-Sa’dī رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ السَّلَامُ says regarding the verse in his *Tafsīr*, “*and do not dispute*, in such a manner that leads to dissent in the heart and division *and [thus you will] lose courage and [then] your strength would depart*. That is, you lose resolve and strength, for then you will no longer be deserving of that which you were promised of victory for obeying Allāh and His Messenger ﷺ.” Some scholars, such as al-Akhfash رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ السَّلَامُ, hold that the meaning of the word (رِيحُكُمْ) in the verse is, “your state.”<sup>61</sup>

Allāh ﷺ also says later on in the *Sūrah* (8:73):

<sup>60</sup> *Sūrah Āl ‘Imrān* (3):105

<sup>61</sup> Refer to *Tafsīr al-Baghawī*

﴿وَالَّذِينَ كَفَرُوا بَعْضُهُمْ أَوْلَيَاءُ إِلَّا تَقْعُلُهُ تُكْنِ فِتْنَةً فِي الْأَرْضِ وَفَسَادٌ﴾

كَبِيرٌ ﴿٧٣﴾

***And those who disbelieved are allies of one another. If you do not do so [i.e., ally yourselves with other believers], there will be fitnah [i.e., disbelief and oppression] on earth and great corruption.***

As-Sa'dī رحمۃ اللہ علیہ says the *Fitnah* and oppression referred to in the verse, “Will lead to unlimited evil, because of confusing truth with falsehood, and believers with disbelievers, and because of the cessation of major acts of worship such as *Jihād*, *Hijrah*, and other aims of *Shari'ah*, which will be missed if the believers do not take only their own kind as allies and protectors.”

Accordingly, it is upon the leader to use all legislated means at his disposal to achieve a faith-based unity between the ranks of the believers, and avert its opposite. He should likewise strive to use all legislated means at his disposal to sow disunity amongst the disbelievers and fragment their unity, both political and military.

It is vital that such a unity between believers be based upon *Tawhīd* and *Īmān* in Allāh in order for there to be any lasting unity. Unity based on anything else such as, race, culture, ethnicity, language, nationality, faction, group, or common interests, will always disintegrate, *as indeed is falsehood ever bound to depart*.<sup>62</sup>

This is also the case with loyalty. The sincere leader recognises this and therefore only promotes loyalty to Allāh, His Messenger ﷺ, and the believers, and not towards himself or his group. He does this, as he knows that he and his group only exist to serve Islām and the believers, and not the other way around. He also knows that Allāh ﷺ says:

<sup>62</sup> *Sūrah Isrā'* (17):81

﴿أَرَحَسِبْتُمْ أَنْ تُتْرَكُوْ وَلَمَا يَعْلَمُ اللَّهُ الَّذِينَ جَهَدُوا مِنْكُمْ وَلَمْ يَتَّخِذُوا مِنْ دُونِ اللَّهِ وَلَا رَسُولِهِ وَلَا الْمُؤْمِنِينَ وَلِيَجْهَهُ اللَّهُ خَيْرُ بِمَا تَعْمَلُونَ﴾ ١٦

*Do you think that you will be left [as you are] while Allāh has not yet made evident those among you who strive [for His cause] and do not take other than Allāh, His Messenger and the believers as intimates? And Allāh is Acquainted with what you do.*<sup>63</sup>

In the second *Hadīth*, the Messenger of Allāh ﷺ highlights some of the most important characteristics the leader should possess, if he wishes to preserve unity within his ranks. That is, making things as easy as possible upon his followers - as long as this does not oppose the *Shari'ah* - not alienating people, and cooperating to achieve righteous objectives.

Indeed, if the Prophet ﷺ was ever faced with two (or more) permissible options, he would always take the easier of the two, not out of any personal desire, but rather to make matters easy upon the believers. As such, Allāh ﷺ describes him in *Sūrah at-Tawbah* (9:128), saying:

﴿لَقَدْ جَاءَكُمْ رَسُولٌ مِّنْ أَنفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ حَرِيصٌ عَلَيْكُمْ بِالْمُؤْمِنِينَ رَءُوفٌ رَّحِيمٌ﴾ ١٦

*There has certainly come to you a Messenger from among yourselves. Grievous to him is what you suffer; [he is] concerned over you [i.e., your guidance] and to the believers is kind and merciful.*

This was also evident in the Prophet's ﷺ discontinuation of praying the night prayer during Ramadān in public, fearing that it would become

<sup>63</sup> *Sūrah at-Tawbah* (9):16

obligatory upon the believers - an obligation that would be difficult upon them.<sup>64</sup>

In emulating the exemplary model of the Prophet ﷺ, the leader should endeavour to show this kind of mercy to the believers, especially if his decisions will ultimately affect them, for this itself is a characteristic of *Imān*, as Allāh ﷺ clarifies:

﴿سُبْحَانَ رَسُولِ اللَّهِ وَالَّذِينَ مَعَهُ وَإِشْدَادُهُ عَلَى الْكُفَّارِ رُحْمَاءٌ بَيْنَهُمْ﴾

***Muhammad is the Messenger of Allāh and those with him are forceful against the disbelievers, merciful among themselves.***<sup>65</sup>

Allāh ﷺ further clarifies the leader's characteristics as He addresses His noble Messenger ﷺ in *Sūrah Āl 'Imrān* (3:159):

﴿فَمَنْ يَرْحَمُهُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ إِنَّمَا يَنْهَاكُمْ عَنِ الْمُحَاجَةِ لَأَنَّهُنَّ لَا يَنْفَضُونَ مِنْ حَوْلِكُمْ فَإِنْ يَأْتُوكُمْ مُّتَوَكِّلِينَ فَأُولَئِكَ هُمُ الظَّالِمُونَ فَإِذَا عَزَمْتَ فَوَكِّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ﴾

***So by mercy from Allāh, you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allāh. Indeed, Allāh loves those who rely [upon Him].***

As far as not alienating people, numerous incidents in the *Sīrah* demonstrate that the Prophet ﷺ was a master statesman, always acutely aware of the potential political ramifications of his actions. This

<sup>64</sup> Refer to *Ṣaḥīḥ al-Bukhārī* (7290), *Ṣaḥīḥ Muslim* (781), *Sunan Abī Dāwūd* (1044), *Sunan at-Tirmidhī* (450) *Sunan An-Nasā'ī* (1599), *Muwaṭṭa'* (344), *Sunan ad-Dārimī* (1406), and *Musnad Aḥmad* (21582) for an account of the incident

<sup>65</sup> *Sūrah Fath* (48):29

is especially important when peoples' response to call to *Tawhīd* relies on them answering it out of their own free-will, as there is ***no compulsion in [acceptance of] the religion***.<sup>66</sup> As such, he overlooked many of the hypocrites' harms levelled against him, even when he was well within his rights to execute them. Such as the incident when their chief, 'Abdullāh ibn Ubay ibn Salūl - may Allāh's curse enshroud him - remarked - a statement of clear disbelief - as the army was returning to al-Madīnah:

﴿لَيْنَ رَجَعْنَا إِلَى الْمَدِينَةِ لِيُخْرِجَنَ الْأَعْزَمُ مِنْهَا الْأَذْلُ﴾

***“If we return to al-Madinah the more honoured [for power] will surely expel therefrom the more humble.”***<sup>67</sup>

Nevertheless, when the Prophet ﷺ was petitioned by the 'Umar ibn al-Khaṭṭāb رَجُلُ اللَّهِ عَمَّا يُنْهَا to authorise the *Munāfiq*'s execution, he responded:

دَعْهُ لَا يَتَحَدَّثُ النَّاسُ أَنَّ مُحَمَّدًا يَقْتُلُ أَصْحَابَهُ

***“Leave him, lest the people say that Muhammad kills his companions.”***<sup>68</sup>

The Prophet ﷺ knew that the outside world would not necessarily know, or understand, that ibn Salūl was the chief of the *Munāfiqīn* - his hypocrisy exposed on numerous occasions, and was thus deserving of the death penalty. Instead, they would likely hear that Muḥammad kills his followers, and this would have been enough of a deterrent from them embracing Islām. Accordingly, the leader, especially of a *Jihādī* group that most of the population do not really understand to begin with, must be acutely aware of how his, and his followers actions will be perceived by others. This may well result in him desisting from

<sup>66</sup> *Sūrah al-Baqarah* (2):256

<sup>67</sup> *Sūrah al-Munāfiqūn* (68):8

<sup>68</sup> *Sahīh al-Bukhārī* (4907), *Sahīh Muslim* (2584), *Sunan at-Tirmidhī* (3315), and *Musnad Aḥmad* (14467)

certain permissible actions so as to not alienate the people, especially the Muslim community whom he depends on, after Allāh ﷺ, for support.<sup>69</sup>

Lastly, Allāh ﷺ orders the believers to cooperate on every endeavour that pleases Him - an act that is sure to diminish differences and lead towards unity. He says in *Sūrah al-Mā' idah* (5:2):

﴿وَتَعَاوِنُوا عَلَى الرِّحْمَةِ وَلَا تَعَاوِنُوا عَلَى الْإِثْمِ وَالْعَدْوَنِ﴾

*And cooperate in righteousness and piety, but do not cooperate in sin and aggression.*

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<sup>69</sup> Indeed, Allāh ﷺ informed the Prophet ﷺ that He aided him with both; His Victory, and the believers (8:62):

﴿فَإِنَّ حَسَبَكُمْ اللَّهُ هُوَ الَّذِي أَيَّدَكُمْ بِيَصْرَرِهِ وَبِإِيمَانِ الْمُؤْمِنِينَ﴾

*Sufficient for you is Allāh. It is He who supported you with His help and with the believers*

(9)

## OBSERVING SHŪRĀ (MUTUAL CONSULTATION), AND ACTING ACCORDING TO IT IF IT IS CORRECT

عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ خَطَبَ النَّاسَ فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ وَقَالَ: مَا تُشِيرُونَ عَلَيَّ فِي قَوْمٍ يَسْبُونَ أَهْلِي، مَا عَلِمْتُ عَلَيْهِمْ مِنْ سُوءٍ قَطُّ

**Hadīth 17:** ‘Ā’ishah رضي الله عنها narrated that the Messenger of Allāh ﷺ said as he was delivering a speech to the people, after praising Allāh, “*What do you advise me regarding people that slander my household (i.e. my wife), and I have never known any evil about them (i.e. her)?*”<sup>70</sup>

He ﷺ also consulted the Companions رضي الله عنهم regarding the (disbelieving) prisoners of Badr, and regarding the place of battle on the day of Uhud.

**Commentary:** *Shūrā* is the process wherein the leader, in the absence of a clear text from the Qur’ān, *Sunnah*, or *Ijmā’*, consults the people of piety and expertise (in the particular field he is seeking counsel), in order to benefit from their views and advice on the issue at hand. However, if there is a clear *Shari’* text exists, the leader is bound to abide by it, and is consequently in no need of *Shūrā*, (except perhaps to discuss the best way to implement Allāh’s command).

In many cases, the leader will eventually decide on the course of action proposed by the majority of his *Shūrā* council, though he is in no way bound by it, especially if it is in contradiction to the *Shari’ah*, or a minority opinion is evidently superior. Thus, *Shūrā* is not akin, and

<sup>70</sup> *Sahīh al-Bukhārī* (7370), *Sahīh Muslim* (2770), *al-Jāmi’ at-Tirmidhī* (3180), and *Musnad Ahmad* (24317). This *Hadīth* was in relation to the incident in which ‘Ā’ishah was the subject of a tremendous slander. Allāh ﷺ later revealed the verses in *Surah Nūr* (24:11-20) exonerating her رضي الله عنها.

should not be confused with the polytheistic concept of democracy, which is undoubtedly prohibited in Islām and is a system of disbelief.

Allāh ﷺ commands the believers to practice *Shūrā* amongst themselves, saying in *Sūrah Āl 'Imrān* (3:159):

﴿وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَرَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ﴾  
159

*And consult them in the matter. And when you have decided, then rely upon Allāh. Indeed, Allāh loves those who rely [upon Him].*

The *Sīrah* is replete with examples of how the Prophet ﷺ would consult his Companions رَضِيَ اللَّهُ عَنْهُمْ concerning affairs affecting the community, about which a clear text was not present. He ﷺ did this despite being the recipient of revelation, thus those after him are even more in need of practicing *Shūrā* in such instances. As like the Arabic proverb goes, “Whoever is amazed with his own opinion goes astray.”<sup>71</sup>

Al-Qurṭubī quotes ibn 'Atiyyah رَجُلُ اللَّهِ كَوْنِيَّةُ اللَّهِ in his *Tafsīr* on the above verse (3:159) as saying, “*Shūrā* is from the principles of the *Shari'ah* and the fundamentals of the rulings - it is *Wājib* to remove the leader that does not consult the people of knowledge and religion, and there is no difference (of opinion) regarding this.” Al-Qurṭubī also quotes ibn Khuwayz Mindād رَجُلُ اللَّهِ كَوْنِيَّةُ اللَّهِ, “It is *Wājib* upon those in authority to consult the scholars regarding that which they do not know and whatever they do not understand concerning the matters of the religion. The notables from the army on matters connected with warfare. The notables of the people on matters connected with their welfare, and the notables of officials, ministers, and businessmen on matters related to the welfare of the land and its maintenance.”

To conclude, Shaykh 'Abd ar-Rahmān as-Sa'dī رَجُلُ اللَّهِ كَوْنِيَّةُ اللَّهِ says in his *Tafsīr* of the verse in *Āl 'Imrān*:

<sup>71</sup> In Arabic, the expression is (من أعجب برأيه ضل)

The benefits of *Shūrā* in both religious and worldly matters are unlimited and include the following:

- Consultation is an act of worship that brings one closer to Allāh.
- It is an act of gentleness that makes people feel part of the decision-making process and removes any (negative) thought that could cross their minds when serious decisions need to be made. If one who has a position of authority gathers together people of prominence and wisdom, and consults them concerning some event or incident, that will make them feel at ease and make them love him, and they will realise that he is not some sort of tyrant; rather his main focus is on the general interests of all. Thus, they will spare no effort and will do their utmost in obeying him, because they will realise that he is striving to serve the interests of all. This is in contrast to those who are not like that, because it is unlikely that they will be sincere in loving or obey him willingly; if they do obey him, it will be insincere and incomplete.
- *Shūrā* sheds light on new ideas, because it brings many minds together to make the right decision.
- *Shūrā* usually leads to the right decision; the leader who consults others in decision-making will hardly ever reach the wrong conclusion. Even if a wrong decision is made or the goal is not met, he will not be to blame (because it will have been a collective decision). If Allāh says to His Messenger ﷺ - who is the most perfect of people in reasoning, has the most abundant knowledge and is the smartest - ***And consult them in the matter***, then how about others?

Then Allāh says: ***And when you have decided***, that is, when you have decided upon something after consulting others, if consultation is needed, ***then rely upon Allāh***, that is, rely on the power and strength of Allāh, not on your own strength and power for ***Indeed, Allāh loves those who rely [upon Him]*** and turn to Him.”

(10)

## WARNING AGAINST HARMING THE MUSLIMS IN RELATION TO THEIR BLOOD AND HONOUR

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، قَالَ: قَالَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: «سَبَابُ الْمُسْلِمِ فُسُوقٌ وَقِتَالُهُ كُفْرٌ»

**Hadīth 18:** ‘Abdullāh ibn Mas’ūd رَضِيَ اللَّهُ عَنْهُ narrated that the Messenger of Allāh ﷺ said, “Cursing a Muslim is transgression, and fighting him is Kufr.”<sup>72</sup>

عَنْ هِشَامِ بْنِ حَكِيمٍ فَقَالَ: أَمَا إِنِّي سَمِعْتُ رَسُولَ اللَّهِ عَلَيْهِ السَّلَامُ، يَقُولُ: «إِنَّ اللَّهَ يُعَذِّبُ الَّذِينَ يُعَذِّبُونَ فِي الدُّنْيَا»

**Hadīth 19:** Hishām ibn Ḥakīm رَضِيَ اللَّهُ عَنْهُ narrated that he heard the Messenger of Allāh ﷺ saying, “Indeed Allāh will punish those who punish other people in this world.”<sup>73</sup>

عَنْ أَبِي بَكْرَةَ قَالَ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ عَلَيْهِ السَّلَامُ يَقُولُ: «إِذَا التَّقَى الْمُسْلِمَانِ بِسَيِّئِيهِمَا فَالْقَاتِلُ وَالْمَقْتُولُ فِي النَّارِ»، فَقُلْتُ يَا رَسُولَ اللَّهِ هَذَا الْقَاتِلُ فَمَا بَالُ الْمَقْتُولِ قَالَ: «إِنَّهُ كَانَ حَرِيصًا عَلَى قَتْلِ صَاحِبِهِ»

**Hadīth 20:** Abū Bakrah رَضِيَ اللَّهُ عَنْهُ narrated that he heard the Messenger of Allāh ﷺ saying, “If two Muslims fight each other with swords, then the killer and the killed will both be in the Fire.” I said, “O Messenger of

<sup>72</sup> *Ṣaḥīḥ al-Bukhārī* (48), *Ṣaḥīḥ Muslim* (64), *Sunan at-Tirmidhī* (1983), *Sunan an-Nasā'ī* (4105), *Sunan ibn Mājah* (46), and *Musnad Aḥmad* (3647)

<sup>73</sup> *Ṣaḥīḥ Muslim* (2613), *Sunan Abī Dāwūd* (3045), and *Musnad Aḥmad* (15330)

Allāh, the killer (I understand), but how about the killed?" He replied, "As indeed he was striving to kill his companion." <sup>74</sup>

عَنْ عَبْدِ اللَّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ، يَشْهَدُ أَنَّ  
لَا إِلَهَ إِلَّا اللَّهُ وَإِنِّي رَسُولُ اللَّهِ، إِلَّا يَأْخُدَيْ ثَلَاثَةِ: الشَّيْءُ الزَّانِي، وَالنَّفْسُ  
بِالنَّفْسِ، وَالثَّارِكُ لِدِينِهِ الْمُفَارِقُ لِلْجَمَاعَةِ

**Hadīth 21:** 'Abdullāh ibn Mas'ūd رضي الله عنه narrated that the Messenger of Allāh ﷺ said, "The blood of a Muslim that testifies that 'There is no deity worthy of worship besides Allāh, and that I am Allāh's Messenger,' is not permissible except in one of three cases: The married fornicator, the murderer, and the one who leaves his religion and separates from the (Muslim) community (i.e. the apostate)." <sup>75</sup>

**Commentary:** An-Nawawī رحمه الله says in *al-Minhāj*, commenting on **Hadīth 18**, "Verbally abusing a Muslim without right is *Harām* according to the consensus of the *Ummah*, and as the Prophet ﷺ informed us, its doer is a *Fāsiq*. As for fighting him without right, according to the people of truth, the doer is not to be judged as a disbeliever [...], unless he regards it (i.e. his action of fighting another believer without justification) as *Halāl* (i.e. permissible)." Ibn Ḥajar al-'Asqalānī رحمه الله holds, in his commentary on the narration, the reason why the word *Kufr* (disbelief) is used, is to emphasise the immensity, gravity, and seriousness involved with fighting another Muslim without justification. And not the apparent meaning of the word - that the doer has disbelieved, and is thus expelled from the religion for this great sin and act of transgression, and Allāh ﷺ knows best.

<sup>74</sup> *Ṣaḥīḥ al-Bukhārī* (31), *Ṣaḥīḥ Muslim* (2888), *Sunan Abī Dāwūd* (4268), *Sunan an-Nasā'ī* (4117), *Sunan ibn Mājah* (3965), and *Musnad Aḥmad* (20424)

<sup>75</sup> *Ṣaḥīḥ al-Bukhārī* (6878), *Ṣaḥīḥ Muslim* (1676), *Sunan Abī Dāwūd* (4352), *al-Jāmi' at-Tirmidhī* (1402), *Sunan an-Nasā'ī* (4016), *Sunan ibn Mājah* (2534), *Sunan ad-Dārimī* (2344), and *Musnad Aḥmad* (20424). The wording is Muslim's

The words in the 21<sup>st</sup> *Hadīth*, “*the one who leaves his religion and separates from the (Muslim) community*,” are not to be understood, as some have mistakenly done, as referring to the Muslim that decides, for whatever reason, to abandon an Islamic group, *Jihādī* or otherwise. This erroneous understanding has led some to declare those who leave, or refuse to pledge allegiance to their group, to have become by this act disbelievers, thus permitting their blood, wealth, and honour. Rather, the one who separates themselves from the *Ummah* (i.e. the main body of Muslims) is intended, as explained by an-Nawawī رحمۃ اللہ علیہ in his commentary on the narration. He says, “These words are general for every apostate from Islām, regardless of the type of apostasy. As such, it is *Wājib* to kill him, unless he returns to Islām. The scholars have said, ‘It applies also to every person that leaves *al-Jamā’ah* (i.e. the main body of Muslims), due to an innovation, transgression, or other than this, and such are the *Khawārij*, and Allāh ﷺ knows best.’”<sup>76</sup>

In summary, all of the narrations contained within this chapter are related to the words of Allāh in *Sūrah an-Nisā’* wherein He ﷺ says:

﴿وَلَا تَقْتُلُو أَنفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾ وَمَنْ يَفْعَلْ ذَلِكَ عُذْنَا وَلَنْ يُظْلَمَ مَا فَسَوَفَ نُصْلِيهِ نَارًا وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا ﴿٣٠﴾

*And do not kill yourselves [or one another]. Indeed, Allāh is to you ever Merciful. And whoever does that in aggression and injustice - then We will drive him into a Fire. And that, for Allāh, is [always] easy.*<sup>76</sup>

He ﷺ also says:

﴿وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَعَذَابَ اللَّهِ عَلَيْهِ وَلَعْنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا ﴿٣١﴾

<sup>76</sup> *Sūrah an-Nisā’* (4):29&30

**Whoever kills a believer intentionally - his recompense is Hell, wherein he will abide eternally, and Allāh has become angry with him and has cursed him and has prepared for him a great punishment.**<sup>77</sup>

Likewise, leaders and individuals who flagrantly and intentionally breach the prohibition of shedding the blood of the believers without justification betray a profound lack of *Ikhlas*. They thus demonstrate that *their* fighting is certainly not to be confused with *Jihād* in the Cause of Allāh ﷺ. As from the greatest objectives of fighting in the Cause of Allāh is to protect and safeguard the blood of the Muslims one fights to protect, whether they be from the *Mujāhidīn* or other than them.

While it is true there are a number of offences that legitimise the blood of a believer, permit, or even necessitate his fighting - the details of which can be found in the books of *Fiqh*. The *Mujāhidīn*, and especially their leaders, need to be aware that the charges of *Baghī*, *Harābah*, and *Fasād*,<sup>78</sup> have historically been found the desires of deceitful leaders.

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<sup>77</sup> *Sūrah an-Nisā'* (4):93

<sup>78</sup> Meaning, applying the rulings of *al-Bughāh* - of which the *Khawārij* is a sub-category, *al-Muḥāribīn*, and *al-Mufsidīn* to believers. In brief, *al-Bughāh* are those who, "Dissent from the just ruler by rebelling from his obedience; refusing to fulfil his rights, or other than this," according to an-Nawawī. (Refer to *Fiqh of Jihād: Understanding the Obligation*, Chapter 12). The *Muḥāribīn* are those mentioned in *Sūrah al-Mā'idah* (5:33&34): wherein Allāh says:

﴿إِنَّمَا جَرَّبُوا الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعُونَ فِي الْأَرْضِ فَسَادًا أَن يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُنْقَطَعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خَلْفِهِمْ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خَرْقٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ﴾٢٣﴾ إِلَّا الَّذِينَ تَابُوا مِنْ قَبْلِ أَنْ تَقْدِرُوا عَلَيْهِمْ فَأَعْلَمُوا أَنَّ

اللَّهَ غَفُورٌ رَّحِيمٌ ﴿٢٣﴾

*Indeed, the penalty for those who wage war against Allāh and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is*

*Shaykh al-Islām* ibn Taymiyyah رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ وَسَلَامٌ says in *Majmū’ al-Fatāwā* (4/535), “(It is incumbent we) acquit these people (i.e. those innocent of such accusations) from the fighting of the (i.e. being fought as) *Khawārij* who pierce through Islām as the arrow pierces through its target. As this group is to be found in much of the desires of the kings and leaders, who order (their followers with) fighting against them for (the sake of) their enemies, based on the (false) premise that they (i.e. the leaders) are the people of truth and justice, and those (i.e. the so-called *Khawārij*) are *al-Bughāh*. They are supported in their stance by their cliques from amongst the, according to their outward appearance, leading scholars, theologians, and *Shaykh*’s, who pretend that the truth and correct opinion is (exclusively) with them.

[...] This is the (type of) harm that one is unable to extract himself, which many of the scholars, leaders, and soldiers from the *Ummah* have fallen victim to [...] and we ask Allāh that He makes us from amongst the just, for indeed there is neither power nor might except with him.”

As many of those familiar with the open fronts of *Jihād* can testify, this is indeed a most unfortunate phenomenon that every believer needs to be acquainted with. This is so he is able to safeguard his religion and Hereafter from the calamity of transgressing against impermissible blood and wealth. The leader need be even more cautious of falling into this disaster, as he will not only bear the burden of his own wrongdoing, but he will also bear the burden of all of those who act according to his command, as:

﴿وَمَنْ يَشْفَعْ شَفَاعَةً سَيِّئَةً يَكُنْ لَهُ كُفُولٌ مِنْهَا﴾

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*a great punishment, Except for those who return [repenting] before you overcome [i.e., apprehend] them. And know that Allah is Forgiving and Merciful.*

While the *Mufsid* is the one that generally strives to spread corruption in the land. He or she can fall under the implications of the preceding verse be engaging in banditry, armed robbery, and the like, or alternatively can be guilty of crimes such as prostitution and drug-dealing.

*whoever intercedes for an evil cause will have a portion [i.e., burden] therefrom.*<sup>79</sup>

Accordingly, Allāh ﷺ warns the believers from killing others whilst the circumstances are unclear. Rather, He ﷺ commands the believers to refrain from being hasty, but to clarify and verify the status of doubtful individuals (and groups) before embarking upon a course of action that cannot be reversed - namely, shedding their blood. He ﷺ says in *Sūrah an-Nisā'* (4:94):

﴿يَأَيُّهَا الَّذِينَ إِيمَانُهُمْ إِذَا ضَرَبُتُمُ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا لِمَنْ أَلْقَى إِلَيْكُمُ الْسَّلَامَ لَمْ تَسْتَ مُؤْمِنًا تَبْتَغُونَ عَرَضَ الْحَيَاةِ الْدُّنْيَا فَعِنْدَ اللَّهِ مَغَانِمٌ كَثِيرَةٌ كَذَلِكَ كُنْتُمْ مِنْ قَبْلُ فَمَنْ أَنْهَا اللَّهُ عَلَيْكُمْ فَتَبَيَّنُوا إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا﴾

*O you who have believed, when you go forth [to fight] in the cause of Allāh, investigate; and do not say to one who gives you [a greeting of] peace, "You are not a believer," aspiring for the goods of worldly life; for with Allāh are many acquisitions. You [yourselves] were like that before; then Allāh conferred His favour [i.e., guidance] upon you, so investigate. Indeed Allāh is ever, with what you do, Acquainted.*

The leader must then be certain that any blood he orders shed, or wealth he orders seized, is undoubtedly permissible according to the *Shari'ah*. If he is in any doubt concerning this, then he must withhold until the situation becomes clear, in accordance with the words of the Prophet ﷺ recorded in *Jāmi' at-Tirmidhī* (2518):

دَعْ مَا يَرِيُكَ إِلَى مَا لَا يَرِيُكَ

<sup>79</sup> *Sūrah an-Nisā'* (4):85

“Leave that which causes you to doubt for that which does not.”

Similarly, albeit less in severity than the unjustified shedding of blood, the believer must withhold his tongue from transgressing upon the honour of fellow believers. He or she does this but cursing, reviling, insulting, belittling, backbiting, slandering, exposing the private affairs, casting doubt about, or falsely accusing another believer of an offense or innovation.<sup>80</sup>

In all of the above, it is upon the leader to set an example of the correct Islamic conduct regarding interactions with the blood, wealth, and honour of fellow believers and, if necessary, lay down guidelines and rules for his followers with regards to the above. Any infringements should be punished in accordance with their level of severity, and any damages, in accordance with the dictates of the *Shari'ah*, should be swiftly restored to the injured parties.

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<sup>80</sup> For the instances when it is permissible to insult and/or backbite another believer refer to works such as *Guarding the Tongue* by *Imām an-Nawawī*

(11)

## WARNING AGAINST THE LEADER SECLUDING HIMSELF FROM THOSE HE IS RESPONSIBLE FOR

عن أبي مريم الأزدي قال: قال رسول الله ﷺ: «مَنْ وَلَاهُ اللَّهُ عَزَّ وَجَلَّ شَيْئًا مِنْ أَمْرِ الْمُسْلِمِينَ فَأَحْتَجَبَ دُونَ حَاجَتِهِمْ، وَخَلَّتِهِمْ وَقَرْبِهِمْ، احْتَجَبَ اللَّهُ عَنْهُ دُونَ حَاجَتِهِ وَخَلَّتِهِ، وَقَرْبِهِ»

**Hadīth 22:** Abī Maryam al-Azdī رَجُلُ اللَّهِ كَوَافِرُهُ narrated that the Messenger of Allāh ﷺ said, “Whoever Allāh ﷺ appoints over one of the Muslims’ affairs and then he secludes himself from them, not fulfilling their needs, wants, and poverty; Allāh will seclude Himself from him, and not fulfil his needs, wants, and poverty.”<sup>81</sup>

**Commentary:** Al-Qādī رَجُلُ اللَّهِ said, “The meaning of, “Allāh will seclude Himself from him,” is that Allāh will not fulfil his expectations or respond to his *Du’ā*.”<sup>82</sup>

In *Jāmi’ at-Tirmidhī* (1332) a slightly different narration is recorded:

مَا مِنْ إِمَامٍ يُعْلِقُ بَابَهُ دُونَ ذُوي الْحَاجَةِ، وَالْخَلَّةِ، وَالْمَسْكَنَةِ إِلَّا أَغْلَقَ اللَّهُ أَبْوَابَ السَّمَاءِ دُونَ خَلَّيْهِ، وَحَاجَتِهِ، وَمَسْكَنَتِهِ

“There is no leader that closes his door on the needy, wanting, or poverty stricken, except that Allāh closes the doors of heaven from his wants, needs, and poverty.”

That is, if the one who is responsible for a person (or people) turns their back on assisting them to fulfil their needs when he is able to help, he

<sup>81</sup> *Sunan Abī Dāwūd* (2948) and *al-Jāmi’ at-Tirmidhī* (1332)

<sup>82</sup> ‘Awn al-*Ma’būd* (*Hadīth* 2948)

will be dealt with by Allāh ﷺ in a similar fashion. This is in accordance with the principle:

الجزاء من جنس العمل

Which is similar to the English proverb, ‘You reap what you sow,’ meaning that a person’s recompense will be in accordance, and related, to his actions. So while if one assists people in their times of difficulty and hardship, Allāh ﷺ will assist him in his times of difficulty and hardship, as is recorded in numerous *Aḥādīth*, and the opposite is also true, as indicated in these narrations. Likewise, if a believer sincerely sacrifices to bring honour to the religion and its adherents, Allāh ﷺ will honour him - and if not in this life, then certainly in the next. While if one turns their back on such an obligation, Allāh ﷺ will disgrace him.

Thus, the leader should recognise he has been appointed for no other reason to organise the affairs of the believers, and help them in realising that that will benefit them in their religious and worldly affairs. He is thus more akin to being their servant than their lord, as is evident in the following narration recorded by ibn Taymiyyah رحمه الله in *al-Majmū’ al-Fatāwā* (28/251) :

Abū Muslim al-Khawlānī entered upon Mu’āwiyah ibn Abī Sufyān رضي الله عنهما and said, “May peace be upon you, O *Ajīr* (i.e. employee). Mu’āwiyah attendants said, “Say, ‘May peace be upon you, O *Amīr*’.” So he said, “May peace be upon you, O *Ajīr*.” They said, “Say, ‘O *Amīr*’.” He said, “May peace be upon you, O *Ajīr*.” They said, “Say, ‘*Amīr*’!” Thereupon Mu’āwiyah said, “Leave Abā Muslim, as he knows best about what he says.” So he said, “You are not but an employee employed by the Lord of these sheep to take care of them. If you ease their suffering, tend to their illnesses, and prevent their strong from harming their weak, you will be rewarded by their Master. But if you fail to ease their suffering, tend to their illnesses, and prevent their strong from harming their weak, you will be punished by their Master.”

(12)

## BEING LENIENT WITH THOSE ONE IS RESPONSIBLE FOR, AND STRIVING TO FULFIL THEIR NEEDS

عَنْ عَائِشَةَ: عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «اللَّهُمَّ مَنْ وَلَيَ مِنْ أَمْرِ أُمَّتِي شَيْئًا فَشَقَّ عَلَيْهِمْ، فَأَشْقُقْ عَلَيْهِ، وَمَنْ وَلَيَ مِنْ أَمْرِ أُمَّتِي شَيْئًا فَرَفَقَ بِهِمْ، فَأَرْفَقْ بِهِ»

**Hadīth 23:** ‘Ā’ishah رَضِيَ اللَّهُ عَنْهَا narrated that the Messenger of Allāh ﷺ said, “O Allāh, whoever is appointed over any of the affairs of my Ummah and then make things difficult for them, make things difficult for him. And whoever is appointed over any of the affairs of my Ummah and then separates from them, separate from him.”<sup>83</sup>

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْمُسْلِمُ أَخُو الْمُسْلِمِ لَا يَظْلِمُهُ وَلَا يُسْلِمُهُ، وَمَنْ كَانَ فِي حَاجَةٍ أَخِيهِ كَانَ اللَّهُ فِي حَاجَتِهِ، وَمَنْ فَرَّجَ عَنْ مُسْلِمٍ كُرْبَةً، فَرَّجَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرُبَاتِ يَوْمِ الْقِيَامَةِ، وَمَنْ سَتَرَ مُسْلِمًا سَتَرَهُ اللَّهُ يَوْمَ الْقِيَامَةِ»

**Hadīth 24:** ‘Abdullāh ibn ‘Umar رَضِيَ اللَّهُ عَنْهُ narrated that the Messenger of Allāh ﷺ said, “The Muslim is the brother of the Muslim; he neither oppresses him, nor hands him over (to his enemy, or to face oppression). Whoever fulfils his brother’s needs, Allāh will fulfil his needs, and whoever delivers a Muslim from a calamity, Allāh will deliver him from a calamity from the calamities of the Day of Judgement. And whoever conceals (the faults or secrets) of a Muslim, Allāh will conceal his (faults and secrets) on the Day of Judgement.”<sup>84</sup>

<sup>83</sup> *Sahīh Muslim* (1828) and *Musnad Aḥmad* (24337)

<sup>84</sup> *Sahīh al-Bukhārī* (2442), *Sahīh Muslim* (2580), *Sunan Abī Dāwūd* (4893), *al-Jāmi’ at-Tirmidhī* (1426), and *Musnad Aḥmad* (20424)

**Commentary:** Leniency, especially when it is found in the leader, is a mercy from Allāh ﷺ, as evident in His words to the Prophet ﷺ:

﴿فِيمَا رَحْمَةٌ مِّنَ اللَّهِ لِنَتَّلَهُ﴾

*So by mercy from Allāh, you were lenient with them.*<sup>85</sup>

Likewise, the Prophet ﷺ says, in a *Hadīth* recorded by Muslim in his *Sahīh* (2594):

إِنَّ الرُّفْقَ لَا يَكُونُ فِي شَيْءٍ إِلَّا زَانَهُ، وَلَا يُنْزَعُ مِنْ شَيْءٍ إِلَّا شَانَهُ

“*Gentleness is not found in anything except that it beautifies it, and it is not removed from anything except that it disfigures it.*”

This is in reference to the believers’ interactions with each other, and likewise in their dealings with Allāh’s creation, and the weak from amongst mankind. However, when dealing with the tyrannical, and the disbelievers and *Munāfiqīn* who are at war with the Muslims, Allāh ﷺ commands the believers with the opposite. He says in *Sūrah at-Tawbah* (9:73):

﴿يَا أَيُّهَا النَّبِيُّ جَهِدُ الْكُفَّارَ وَالْمُنَافِقِينَ وَأَغْلُظْ عَلَيْهِمْ﴾

*O Prophet, fight against the disbelievers and the hypocrites and be harsh upon them.*

He ﷺ also says in the same *Sūrah* (9:123):

﴿يَا أَيُّهَا الَّذِينَ إِيمَانُكُمْ أَكْبَرُ الَّذِينَ يَكُونُونَ مِنَ الْكُفَّارِ وَلَيَجِدُوا فِي كُمْ غَلَظَةً﴾

<sup>85</sup> *Sūrah Āl 'Imrān* (3):159

***O you who have believed, fight those adjacent to you of the disbelievers and let them find in you harshness.***

So, it is therefore known that there is a time and place for mercy and leniency, and there is likewise a time and place for harshness, which must be differentiated from each other and not confused.

The first *Hadīth* (23) serves as evidence that it is not permissible for the leader to make things unnecessarily difficult upon his followers. Also, like in the previous chapter, it is also not permissible to separate from, or to neglect the needs of one's followers or those for whom one is responsible.

The next *Hadīth* (24) is another manifestation of the principle mentioned in the last chapter. It is also encompassed by the principle contained within the *Hadīth* collected by al-Bukhārī رَحْمَةُ اللَّهِ in his *Ṣaḥīḥ*: *The Book of Faith* (13), wherein the Prophet ﷺ said:

لَا يُؤْمِنُ أَحَدُكُمْ، حَتَّىٰ يُحِبَّ لِأَخِيهِ مَا يُحِبُّ لِنَفْسِهِ

“None of you truly believes until he loves for his brother what he loves for himself.”<sup>86</sup>

Allāh ﷺ also mentions the characteristics of the Messenger of Allāh ﷺ - the best of His creation and the best leader humanity has ever known, saying:

﴿لَقَدْ جَاءَكُمْ رَسُولٌ مِّنْ أَنفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ حَرِيصٌ عَلَيْكُمْ بِالْمُؤْمِنِينَ رَءُوفٌ رَّحِيمٌ﴾ ١٦٨

<sup>86</sup> The *Hadīth* is also found in *Ṣaḥīḥ Muslim* (45), *Sunan at-Tirmidhī* (2515), *Sunan an-Nasā'ī* (5016) *Sunan ibn Mājah* (66), *Sunan ad-Dārimī* (2782), and *Musnad Aḥmad* (12801)

*There has certainly come to you a Messenger from among yourselves. Grievous to him is what you suffer; [he is] concerned over you [i.e., your guidance] and to the believers is kind and merciful.*<sup>87</sup>

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<sup>87</sup> *Sūrah at-Tawbah* (9):128

(13)

## THE IMPORTANCE OF THE ONE WHO ASSUMES A POSITION OF AUTHORITY HAVING A PLACE TO LIVE, A WIFE, TRANSPORT, AND SOMEONE TO HELP HIM

عَنِ الْمُسْتَوْرِدَ بْنِ شَدَّادٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: مَنْ وَلَيَ لَنَا عَمَلاً وَلَيْسَ لَهُ مَنْزِلٌ، فَلْيَتَخِذْ مَنْزِلًا، أَوْ لَيْسَ لَهُ زَوْجٌ فَلْيَتَرْوَجْ، أَوْ لَيْسَ لَهُ خَادِمٌ فَلْيَتَخِذْ خَادِمًا، أَوْ لَيْسَ لَهُ دَابَّةٌ فَلْيَتَخِذْ دَابَّةً، وَمَنْ أَصَابَ شَيْئًا سَوَى ذَلِكَ فَهُوَ غَالٌ

**Hadīth 25:** Al-Mustawrid ibn Shaddād رَضِيَ اللَّهُ عَنْهُ narrated that he heard the Messenger of Allāh ﷺ saying, “Whoever is appointed over one of our affairs and has not got a home, then let him get one. Or, if he has not got a wife, then let him get married. Or, if he has not got a helper, then let him get one. Or, if he has not got a mount, then let him get one. Whoever acquires something other than these things, he is extravagant.”<sup>88</sup>

**Commentary:** The leader, or one in authority, should have his necessities met in order for him to be able to dedicate his time and efforts towards that which his role entails. Without this, he will fall short in his responsibilities to others due to being compelled to secure his own needs.

After the Companions witnessed Abū Bakr *as-Siddīq* رَضِيَ اللَّهُ عَنْهُ, after having been appointed Caliph, trading in the marketplace, they understood that in order for him to be able to dedicate his time and efforts to the affairs of the *Ummah*, he would need his necessities

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<sup>88</sup> *Musnad Ahmad* (18015)

secured. They thus appointed him a stipend. Likewise, the Prophet ﷺ used to take from the *Fay'* enough to sustain his family for a year.<sup>89</sup>

Scholars also mention that this was part of the wisdom behind Allāh ﷺ sustaining His Messenger ﷺ through the proceeds of *Jihād*, when they comment on his words:

وَجُعِلَ رِزْقِي تَحْتَ ظِلِّ رُمْحِي

“And my sustenance has been placed beneath the shade of my spear.”<sup>90</sup>

Hence, ibn Rajab al-Ḥanbāl رحمه الله said, “His saying [...] indicates that Allāh did not send him in order to busy himself with the affairs of this world, neither to strive in amassing and acquiring its treasures (i.e. wealth). Rather, he was only sent to call to *Tawhīd* with the sword...” He also says, “For he did not have any free time during which he could seek (his) sustenance, as he used to spend all of his time worshipping Allāh alone, only dedicating it to Him. So, Allāh combined his sustenance with his worship, without him having to seek, or pursue it.”<sup>91</sup>

This is to say, the necessities of the leader should be provided if he does not have them already. This does not however extend to luxuries, as the believer working for the sake of the *Ummah* does not have time for pursuing the fleeting enjoyments of the world, nor is he entitled to them at the *Ummah*'s expense. This is not to say the leader should be forced to live in abject poverty, but his living standards should not exceed the average living conditions of his followers, unless it is known that he was wealthy before assuming office, and any luxuries are covered at his personal expense. Failure to adhere to these principles will leave the

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<sup>89</sup> Scholars have disputed over the legitimacy of this after the death of the Prophet ﷺ, with most holding the leader should instead be appointed a reasonable stipend from the *Bayt al-Māl* (Muslim treasury)

<sup>90</sup> *Jāmi' aṣ-ṣaghīr* (2828) and *Musnad Aḥmad* (5114)

<sup>91</sup> *I was Sent with the Sword*, Distance of a Month's Journey Publications (pgs.50&54)

door open for suspicion of corruption, jealousy, and contempt for him amongst his followers.

‘Umar ibn al-Khaṭṭāb ﷺ was acutely aware of these factors, evident in the strict restrictions he would emplace upon his state governors and officials. He would inspect their living conditions, prevent them from engaging in trade, and prohibit them from riding prestigious horses (for other than the purposes of battle). He would also conduct an audit of their finances prior of assuming office and after, and then confiscate the difference if their wealth increased without justification (e.g. their wealth increased due to their winning *Ghanīmah* whilst participating in *Jihād*). Those who breached these rules would find themselves held to account, and punished if necessary.<sup>92</sup>

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<sup>92</sup> Refer to Dr. aş-Şallābī’s, ‘Umar ibn al-Khaṭṭāb: His Life and Times

(14)

## THE NECESSITY OF SHUNNING UNLAWFUL WEALTH, AND THE LEADER'S ACCEPTING OF PRESENTS BEING TANTAMOUNT TO TREACHERY

عَنْ أَبِي حُمَيْدٍ أَعْلَمُهُ لِسَاعِدِيِّ رَضِيَ اللَّهُ عَنْهُ، قَالَ: اسْتَعْمَلَ النَّبِيُّ عَلَيْهِ الْكَلَمُ رَجُلًا مِنَ الْأَزْدِ، يُقَالُ لَهُ أَبْنُ الْأَتْبَيَةِ عَلَى الصَّدَقَةِ، فَلَمَّا قَدِمَ قَالَ: هَذَا لَكُمْ وَهَذَا أَهْدِيَ لِي، قَالَ: «فَهَلَّا جَلَسَ فِي يَيْتِ أَيْهِ أَوْ يَيْتِ أُمِّهِ، فَيَنْظُرْ يُهْدَى لَهُ أَمْ لَا؟ وَالَّذِي نَفْسِي بِيَدِهِ لَا يَأْخُذُ أَحَدٌ مِنْهُ شَيْئًا إِلَّا جَاءَ بِهِ يَوْمَ الْقِيَامَةِ يَحْمِلُهُ عَلَى رَقْبَتِهِ، إِنْ كَانَ بَعِيرًا لَهُ رُغَاءُ، أَوْ بَقَرَةً لَهَا خُوارُ، أَوْ شَاةً تَيَعْرُ» ثُمَّ رَفَعَ بِيَدِهِ حَتَّى رَأَيْنَا عُفْرَةَ إِبْطِيَّهُ: «اللَّهُمَّ هَلْ بَلَغْتُ، اللَّهُمَّ هَلْ بَلَغْتُ» ثَلَاثًا

***Hadīth 26:*** Abī Ḥumayd as-Sā'idi رَجُلُ اللَّهِ عَنْهُ narrated that the Messenger of Allāh ﷺ used a man from al-Azd called ibn Utbiyyah for collecting the Zakāh. When he returned he said, “This (i.e. the Zakāh) is for you, and this has been given to me as a present.” The Prophet ﷺ said, “Why hadn’t he stayed in his father’s or mother’s house to see whether he would be given presents or not? By Him in Whose Hands my soul is, whoever takes something from the Zakāh (unlawfully) will be carrying it on his neck on the Day of Resurrection; if it be a camel, it will be grunting; if a cow, it will be mooing; and if a sheep, it will be bleating.” The Prophet ﷺ then raised his hands until we saw the whiteness of his armpits, and he said thrice, “O Allāh! Haven’t I conveyed Your Message (to them)?”<sup>93</sup>

عَنْ كَعْبِ بْنِ عُجْرَةَ، قَالَ: قَالَ لِي رَسُولُ اللَّهِ عَلَيْهِ الْكَلَمُ: «يَا كَعْبَ بْنَ عُجْرَةَ، إِنَّهُ لَا يَرْبُو لَحْمٌ نَبَتَ مِنْ سُحْنٍ إِلَّا كَانَتِ النَّارُ أَوْلَى بِهِ»

<sup>93</sup> *Ṣaḥīḥ al-Bukhārī* (2597), *Ṣaḥīḥ Muslim* (1832), *Sunan Abī Dāwūd* (2946), *Sunan ad-Dārimī* (1711), and *Musnad Ahmad* (23598)

**Hadīth 27:** Ka'b ibn 'Ujrah ﷺ narrated that the Messenger of Allāh ﷺ said to him, “*O Ka'b ibn 'Ujrah, there is no flesh that is nourished by unlawful (wealth), except that the Fire is more appropriate for it.*”<sup>94</sup>

**Commentary:** Owing to the potential for bribery, an act cursed by Allāh ﷺ, those in authority are prohibited from accepting gifts from, or on behalf of those they are responsible for.

'Abdullāh ibn 'Amr ﷺ said in a narration collected by the compilers of the *Sunan*:

لَعْنَ رَسُولِ اللَّهِ عَلَيْهِ الرَّشِيْ وَالْمُرْتَشِيْ

“The Messenger of Allāh ﷺ cursed the one who offers the bribe and the one who accepts it.”<sup>95</sup>

For example, a person may give a ‘gift’ to a ruler or judge in order to rule in their favour, or suspend a *Hadd* (prescribed punishment) - an act that may reach to the level of disbelief. Alternatively, a person may offer a ‘gift’ to a *Zakāh* collector hoping that through it he would be persuaded to be lenient in his estimate of the person’s wealth, or what wealth specifically should be taken.

Even though the ‘gifts’ are not explicitly called bribes, they nonetheless can have the same affect, even if given or taken innocently. Consequently, the *Shari'ah* closes all avenues leading to the *Harām* in general, and to corruption in particular.

However, if people unrelated to the leader, or person in authority’s field give gifts, there is no problem in him accepting them. For example, if a person with no interest in matters related to the judiciary, and outside a particular judge’s area of jurisdiction, gives the latter a gift, such that

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<sup>94</sup> *al-Jāmi' at-Tirmidhī* (614)

<sup>95</sup> *Sunan Abī Dāwūd* (3580), *Sunan ibn Mājah* (2313), *Jāmi' (Sunan) at-Tirmidhī* (1336&1337), and the wording is Abī Dāwūd’s

there is no hope or possibility that such a gift may influence his judgements and decisions whilst in office, then there is no problem in such a gift. Although, such gifts should be avoided if there exists the reasonably possibility they would likely lead to suspicion of corruption, bringing the *Sharī'ah*, *Jihād*, and/or *Mujāhidīn* into disrepute - and Allāh ﷺ certainly knows best.

(15)

## TAKING A RIGHTEOUS CONFIDANT

عَنْ عَائِشَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَرَادَ اللَّهُ بِالْأَمْبِيرِ خَيْرًا جَعَلَ لَهُ وَزِيرًا صِدْقِي، إِنْ نَسِيَ ذَكْرَهُ، وَإِنْ ذَكَرَ أَعْنَاهُ، وَإِذَا أَرَادَ اللَّهُ بِهِ غَيْرَ ذَلِكَ جَعَلَ لَهُ وَزِيرًا سُوءٍ، إِنْ نَسِيَ لَمْ يُذَكَّرْهُ، وَإِنْ ذَكَرَ لَمْ يُعِنْهُ»

**Hadīth 28:** ‘Ā’ishah رَضِيَ اللَّهُ عَنْهَا narrated that the Messenger of Allāh ﷺ said, “If Allāh wants good for a leader, He grants him a truthful vizier; if he forgets he (i.e. the advisor) reminds him, and if he remembers, he helps him to accomplish (his task). And if Allāh wants other than that (i.e. bad), He grants him an evil vizier; if he forgets, he does not remind him, and if he remembers, he does not help him.”<sup>96</sup>

**Commentary:** Allāh ﷺ commands the believers in *Sūrah at-Tawbah* (9:119):

﴿يَأَيُّهَا الَّذِينَ آمَنُوا أَتَقُوا اللَّهَ وَكُوْنُوا مَعَ الصَّابِدِينَ ﴾

*O you who have believed, fear Allāh and be with those who are true.*

As-Sa’dī رَحْمَةُ اللَّهِ عَلَيْهِ says in his *Tafsīr*, “**And be with those who are true**,” that is, those who are true in word, deed and conduct, those whose words are true and whose deeds and conduct cannot be but based on truth, devoid of laziness and apathy, free of bad intentions, and based on sincerity and good intentions. For truthfulness leads to righteousness, and righteousness leads to paradise.

Allāh ﷺ says elsewhere:

<sup>96</sup> *Sunan Abī Dāwūd* (2932) and *Musnad Ahmad* (24414)

﴿قَالَ اللَّهُ هَذَا يَوْمٌ يَنْفَعُ الصَّادِقِينَ صَدَقُهُمْ﴾

*Allāh will say, “This is the Day when the truthful will benefit from their truthfulness.”*<sup>97</sup>,

This is especially important for the leader as, by virtue of his position, people; both *Şādiq* (truthful) and *Munāfiq* will surround him. Therefore, he must equip himself with the knowledge of the Book and *Sunnah* that will enable him to discern between the two. Indeed, the deviants and/or *Munāfiqīn* that were taken as advisors, led many sincere but naïve leaders, along with their followers and movements, astray after mistaking them to be people to Truth and piety.

The Prophet ﷺ also informed the believers of the importance of one's company, saying:

الرَّجُلُ عَلَى دِينِ خَلِيلِهِ، فَإِنْ يُنْظَرُ أَحَدُكُمْ مَنْ يُخَالِلُ

*“A man is upon the religion of his Khalīl (i.e. intimate friend), so each of you should (carefully) consider the one he befriends.”*<sup>98</sup>

Rulers and leaders are no exception to this; they are equally as susceptible to the influence of their peers and surroundings as everyone else is, and perhaps even more so. This is because they generally lack people that will offer them sincere advice, criticism, or chastisement, due to their fear of the consequences of the leader's displeasure, or their coveting that which is associated with the leader's pleasure. However, the major difference between those in authority and the normal person lies in the fact that the former generally influences and affects a greater number of people with their respective righteousness or corruption.

Usually, and all praises are due to Allāh, the ‘*Ibādah* of *Jihād* weeds out most of the *Munāfiqīn* from amongst the ranks of the believers.

<sup>97</sup> *Sūrah al-Mā''idah* (5):119

<sup>98</sup> *Sunan Abī Dāwūd* (4833), *Sunan at-Tirmidhī* (2378), and *Musnad Ahmad* (8028)

Although this is not always the case, for a number of reasons; **firstly**, the *Munāfiqīn*, as they did in the time of the Prophet ﷺ, do occasionally accompany the *Mujāhidīn*, especially when they feel assured of an easy victory and/or *Ghanīmah*. Allāh ﷺ highlights this in *Sūrah at-Tawbah* (9:41), saying about them:

﴿لَوْكَانَ عَرَضًا قَرِيبًا وَسَقَرًا قَاصِدًا لَا تَبْغُولُوكَ﴾

***Had it been a near [i.e., easy] gain and a moderate trip, they would have certainly followed you.***

**Secondly**, in the open fronts of *Jihād*, which enjoy a degree of stability, many from the local population (and others) are able to mix freely with the sincere *Mujāhidīn*. They pretend to be from them, without having to prove themselves under fire in the heat of battle, due to the availability and abundance of non-combat roles within the *Jihādī* arena. Allāh ﷺ says about such people:

﴿وَيَخْلُفُونَ بِاللَّهِ إِنَّهُمْ لَمِنْكُمْ وَمَا هُمْ مِنْكُمْ وَلَكُمْ هُنْ قَوْمٌ يُفَرَّقُونَ﴾

***And they swear by Allāh that they are from among you while they are not from among you; but they are a people who are afraid.***<sup>99</sup>

**Thirdly**, are those who have an *Aqīdah*, cause, or desire other than that of Islām that drives them to risk their life. In this category are many of the disbelieving spies and agents carrying out missions to destroy Islām and the *Jihādī* movement from within. Notables from this category were the likes of ‘Abdullāh ibn Saba’ - the father of the *Shī’ah*<sup>100</sup> - and

<sup>99</sup> *Sūrah at-Tawbah* (9):56

<sup>100</sup> He was a Jew that feigned conversion to Islām during the caliphate of ‘Uthmān ibn ‘Affān رضي الله عنه. He spread great *Fitnah* during his lifetime, and was the founder of the heretical *Rāfiḍī* sect of the *Shī’ah*. There are a number of reports from early scholars that ‘Alī رضي الله عنه ordered a number of his followers burnt after they claimed his divinity,

more recently, the celebrated Ottoman officer and founder of modern-day (i.e. secular) Turkey, Kamal Ataturk - may Allāh's curse enshroud both of them.<sup>101</sup> These are perhaps from the most dangerous of the *Munāfiqīn*, as they often have a clearly defined mission to position themselves close to leaders (or those who hold sway over the said leader) in order to influence them. This is done, so that, as a result of their corrupting influence, when questionable decisions are made, the sincere but naïve leaders are given the benefit of doubt due to their history in the fields of *Jihād*, their sacrifices and track record, while the *Munāfiq* is looked over. Such individuals will also be offered training, coaching, and 'support' by outside actors, helping them to maximise the damage caused by their evil designs.

The above category also has an interest, and probably a greater one at that, in sowing the same corruption throughout the ranks of the Islamic scholars and preachers. Especially in their efforts at combatting and countering the 'extremist' ideology that animates the ranks of the *Mujāhidīn* and their sympathisers, ***however Allāh refuses except to perfect His light, although the disbelievers dislike it.***<sup>102</sup>

This chapter also highlights the prohibition of the believers, especially their leaders, from taking disbelievers as their confidants. Allāh ﷺ warns the believers about these people in *Sūrah Al 'Imrān* (3:118-120) saying:

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although there is some dispute as to whether ibn Saba' was amongst them. Refer to ibn Ḥajar's commentary in *Fatḥ al-Bārī* on *Hadīth* (6922) in *Ṣaḥīḥ al-Bukhārī*

<sup>101</sup> He was Muṣṭafā Kemal was born in 1881 and was commander of the Ottoman 19<sup>th</sup> (Turkish) Infantry Division. He gained notoriety for his 1915 defense of Gallipoli against the Allied forces. After the official abolishment of the Ottoman caliphate and the emergence of the secular Republic of Turkey in 1923, Ataturk (lit. the father of the Turks) was elected president. In the subsequent years he began to introduce a host of social and political 'reforms', many of which constituting clear-cut disbelief, abolishing all Islamic institutions and the introduction of Western legal codes, dress, calendar and alphabet, replacing the Arabic script with a Latin one. He died in 1938.

<sup>102</sup> *Sūrah at-Tawbah* (9):32

﴿يَأَيُّهَا الَّذِينَ آمَنُوا لَا تَتَخَذُوا بِطَانَةً مِّنْ دُونِكُمْ لَا يَأْلُونَكُمْ  
 خَبَالًا وَدُوْلًا مَا عَنِتُّمْ قَدْ بَدَتِ الْبُغْضَاءُ مِنْ أَفْوَاهِهِمْ وَمَا تُخْفِي  
 صُدُورُهُمْ أَكْبَرُ قَدْ بَيَّنَا لَكُمُ الْآيَاتِ إِنْ كُنْتُمْ تَعْقِلُونَ ١٨٦﴾  
 هَآئُنُّتُمْ  
 أُولَئِكَ تُحِبُّونَهُمْ وَلَا يُحِبُّونَكُمْ وَتُؤْمِنُونَ بِالْكِتَبِ كُلِّهِ وَإِذَا لَقُوْكُمْ  
 قَالُوا إِنَّا آمَنَّا وَإِذَا خَلَوْا عَضُوا عَلَيْكُمُ الْأَنَاءِمَلَ مِنْ الْغَيْظِ قُلْ مُؤْمِنُو  
 بِغَيْظِكُمْ إِنَّ اللَّهَ عَلِيمٌ بِذَنَاتِ الصُّدُورِ ١٨٧﴾  
 إِنْ تَمَسَّكُمْ حَسَنَةٌ  
 تَسْوِهِمْ وَإِنْ تُصِبُّكُمْ سَيِّئَةٌ يَفْرَحُوا بِهَا وَإِنْ تَصِيرُوا وَتَتَقْوُا لَا يَضُرُّكُمْ  
 كَيْدُهُمْ شَيْئًا إِنَّ اللَّهَ بِمَا يَعْمَلُونَ مُحِيطٌ ١٨٨﴾

*O you who have believed, do not take as intimates those other than yourselves, [i.e., believers], for they will not spare you [any] ruin. They wish you would have hardship. Hatred has already appeared from their mouths, and what their breasts conceal is greater. We have certainly made clear to you the signs, if you will use reason. Here you are loving them but they are not loving you, while you believe in the Scripture - all of it. And when they meet you, they say, "We believe." But when they are alone, they bite their fingertips at you in rage. Say, "Die in your rage. Indeed, Allāh is Knowing of that within the breasts." If good touches you, it distresses them; but if harm strikes you, they rejoice at it. And if you are patient and fear Allāh, their plot will not harm you at all. Indeed, Allāh is encompassing of what they do.*

The following narration illustrates how the foremost from the Companions رضي الله عنهم understood this, and other similar verses concerning the prohibition of the believers taking the disbelievers as associates.

Ibn Taymiyyah recorded in *Iqtidā' as-Širāṭ al-Mustaqqīm* (1/184)<sup>103</sup> that Ahmād رَحْمَةُ اللَّهِ عَلَيْهِ narrated in his *Musnād* that Abū Mūsā narrated:

قُلْتُ لِعُمَرَ رَضِيَ اللَّهُ عَنْهُ: إِنَّ لِي كَاتِبًا نَصْرَانِيًّا قَالَ: مَا لَكَ؟ قَاتَلَكَ اللَّهُ، أَمْ سَمِعْتَ اللَّهَ يَقُولُ: «يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَخَذُوا الْيَهُودَ وَالنَّصَارَى أُولَيَاءَ بَعْضُهُمْ أُولَيَاءُ بَعْضٍ» [المائدة: 51] أَلَا اتَّخَذْتَ حَنِيفًا؟ قَالَ: قُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ، لِي كِتَابَتُهُ وَلَهُ دِينُهُ. قَالَ: لَا أَكْرَمَهُمْ إِذْ أَهَانَهُمُ اللَّهُ، وَلَا أَعْزَّهُمْ إِذْ أَذَلَّهُمُ اللَّهُ، وَلَا أَدْنِيَهُمْ إِذْ أَقْصَاهُمُ اللَّهُ

“I said to ‘Umar, ‘I have a Christian scribe.’ He replied, ‘May Allāh kill you! What is wrong with you? Haven’t you heard Allāh the Exalted saying: *O you who have believed, do not take the Jews and the Christians as allies. They are [in fact] allies of one another.*<sup>104</sup> Why did you not take a Muslim?’ I said, ‘O Amīr al-Mu’minīn, for me is his writing, and for him is his religion.’ He replied, ‘Do not honour them when Allāh has dishonoured them, do not esteem them when Allāh has humiliated them, and do not bring them close when Allāh has distanced them.’”

<sup>103</sup> *Iqtidā' as-Širāṭ al-Mustaqqīm Mukhālifah Aṣḥāb al-Jahīm* , Seventh Edition (1999), Dār ‘Ālam al-Kutub, Beirut

<sup>104</sup> *Sūrah al-Mā’idah* (5):51

(16)

## WARNING AGAINST TREACHERY

عَنْ عَبْدِ اللَّهِ، عَنِ النَّبِيِّ ﷺ قَالَ: " لِكُلِّ غَادِرٍ لَوَاءٌ يَوْمَ الْقِيَامَةِ، يُقَالُ: هَذِهِ  
غَدْرَةٌ فُلَانٌ

**Hadīth 29:** ‘Abdullāh ibn Mas’ūd رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “*Every traitor will have a flag on the Day of Judgement, it will say: ‘This is the treachery of so-an-so. ’*”<sup>105</sup>

**Commentary:** In this *Hadīth* and its variations, the treachery referred to relates to the breaking of covenants and treaties. Islām prohibits every form of treachery, as stated by Allāh ﷺ in numerous places throughout the Qur’ān. He says in *Sūrah al-Anfāl* (8:27):

﴿يَا أَيُّهَا الَّذِينَ إِيمَنُوا لَا تَخْنُوْا اللَّهَ وَالرَّسُولَ وَخَنُوْا أَمْنَتِكُمْ وَأَنْتُمْ  
تَعْلَمُوْنَ ﴾٢٧

*O you who have believed, do not betray Allāh and the Messenger or betray your trusts while you know [the consequence].*

He ﷺ also says later in the same *Sūrah* (8:58):

﴿إِنَّ اللَّهَ لَا يُحِبُّ الْخَانِيْنَ ﴾٥٨

*Indeed, Allāh does not like traitors.*

<sup>105</sup> *Šaḥīḥ al-Bukhārī* (3186), *Šaḥīḥ Muslim* (1736), *Sunan ibn Mājah* (2872), *Sunan ad-Dārimī* (2584), and *Musnad Ahmad* (3900). The wording is Muslim’s

Syed Qutb رحمۃ اللہ علیہ wrote succinctly in his work, *In the Shade of the Qur'ān*, "Islām wants humanity to rise above worldly temptations and to be sublime. Hence, it does not allow treachery for the sake of achieving a cheap victory at a time when it strives for the noblest of causes and aims. People who have honourable aims cannot utilize dishonourable means. Islām finds treachery repugnant and looks at traitors who violate their treaties with contempt. Therefore, it does not accept that Muslims violate their covenants for the achievement of any objective, noble as it may be. The human soul is a complete whole. When it allows itself to resort to disgraceful means, it cannot maintain its noble aims. He is not a Muslim who claims that the ends justify the means. Such a principle is alien to Islamic thinking and cannot fit with Islamic sensitivities. Within the human self - there can be no gulf to separate the ends from the means. Reaching a clean shore does not tempt a Muslim to walk through a muddy pool, because the shore will not remain clean after dirty feet have walked there. Hence, ***Allāh does not love the treacherous.***"

No doubt, treachery is an act that is contrary to the aims and objectives of the *Shari'ah* and *Jihād*. It is also a cause for Allāh ﷺ withholding His victory from the believers and empowering their enemies over them, as is evident today - east and west. The greater the treachery, the greater the harm it entails, both in this life and the next. "And the greatest treachery is that of the leader of the army, as his treachery invariably is ascribed to Islām, distorting its image and causing people to flee from it," as stated by Shaykh 'Abdullāh Āl Bassām رحمۃ اللہ علیہ.

Treachery is so great a crime, that despite the *Ijmā'* on the fact that *Jihād* is to be waged with every *Imām*, whether he be righteous or evil,<sup>107</sup> it is not permissible to wage *Jihād* with the *Ghādir* (i.e.

<sup>106</sup> *Taysīr al-'Allām: Sharh 'Umdah al-Ahkām* (*Hadīth* 408)

<sup>107</sup> This is in part due to the *Hadīth* in *Sunan Abī Dāwūd* (2533) wherein it is reported that the Prophet ﷺ said:

الْجِهَادُ وَاجِبٌ عَلَيْكُمْ مَعَ كُلِّ أَمِيرٍ، بَرَّا كَانَ أَوْ فَاجِرًا

"It is obligatory to wage *Jihād* with every leader, whether he is righteous or evil."

treacherous). This is due to his evil not being restricted to only himself; rather his treachery stains the image of Islām itself, affecting all of the Muslims. *Imām* Ahmād رَحْمَةُ اللَّهِ عَلَيْهِ said, “I am adverse to going out with the Imaam, or leader (of an army) if it is known he is prone to fleeing and putting the Muslims’ live to peril. Indeed, *Jihād* is only waged with the one who is careful with the lives, and possesses compassion for the Muslims.”<sup>108</sup>

Thus, the treacherous leader or commander should be deposed, as his harm is too great to be left unchecked. Ibn ‘Abd al-Barr رَحْمَةُ اللَّهِ عَلَيْهِ reported from ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُ in *al-Istidhkār* (5/35):<sup>109</sup>

مَا خَتَرَ قَوْمٌ بِالْعَهْدِ إِلَّا سَلَطَ اللَّهُ عَلَيْهِمُ الْعُدُوُّ

“A people do not act treacherously towards their covenants, except that Allāh gives their enemies authority over them.”

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Refer to *Masā'il al-Ijmā' fī Abwāb al-Jihād*, (pp.51-53) (Volume 6) in *al-Ḥazmī, Mawsū'ah al-Ijmā' fī'l-Fiqh al-Islāmī*, First Edition (2013), Dār al-Hadī an-Nabawī, Egypt, for details of the consensus on the issue

<sup>108</sup> *Al-Mughnī: Kitāb al-Jihād* (7420)

<sup>109</sup> *Al-Istidhkār*, First Edition (2000), Dar al-Kotob Al-ilmiyah, Beirut

(17)

## THE FORBIDDANCE OF OBEDIENCE WHEN IT INVOLVES SINFULNESS, AND NOT ORDERING SIN

عَنْ عَلَيٌّ رَضِيَ اللَّهُ عَنْهُ: عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ قَالَ «إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ»

**Hadīth 30:** ‘Alī ibn Abī Tālib رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “Obedience is only in that which is *Ma’rūf*.”<sup>110</sup>

**Commentary:** This chapter is encompassed by the mighty principle:

لَا طَاعَةُ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ

‘There is no obedience to the creation when it involves disobedience to the Creator.’

The sincere leader imprints this principle into the minds and hearts of his followers, as he knows that, due to his human nature, he will make mistakes. But since his ultimate goal is the attainment Allāh’s Pleasure, he does not want his followers to follow and obey him in such errors. Rather, he prefers that they correct him - *as the religion is sincerity*,<sup>111</sup> or at the very least, withhold their obedience in the particular issue. As for them to follow and obey him in disobedience to Allāh, would add to

<sup>110</sup> *Ṣaḥīḥ al-Bukhārī* (7145), *Ṣaḥīḥ Muslim* (1840), *Sunan Abī Dāwūd* (2625), *Sunan an-Nasā’i* (4205), and *Musnad Aḥmad* (622). The wording is al-Bukhārī’s *Al-Ma’rūf* is a noun encompassing all that is sanctioned and permitted by the *Shari’ah*.

<sup>111</sup> These are the words of the Prophet ﷺ from the *Hadīth* collected in *Ṣaḥīḥ Muslim*: *The Book of Faith* (55), wherein he said:

«الَّذِينَ النَّصِيحةُ قُلْنَا: لِمَنْ؟ قَالَ: «لِلَّهِ وَلِكَتَابِهِ وَلِرَسُولِهِ وَلِأَئِمَّةِ الْمُسْلِمِينَ وَعَامَّتِهِمْ»  
“*The religion is sincerity.*” The Companions said, “To whom?” He replied, “*To Allāh, to His Book, to His Messenger, to the leaders of the Muslims, and to their general masses.*”

his burden on the Day of Reckoning, without decreasing from their sins in the slightest.

Thus, it should be understood that obedience is only given unrestrictedly to Allāh ﷺ, and then His Messenger ﷺ. Others are only obeyed due to a command from Allāh or His Messenger ﷺ, as long as they do not order sin. To believe other than this, is an act of disbelief which violates the principles of *Tawhīd*, and falls into the realm of *Shirk at-Tā'ah* (i.e. the *Shirk* of obedience). Therefore, if a leader believes that he should be obeyed unrestrictedly, he has become a *Tāghūt* due to his attempt to place himself as a partner besides Allāh ﷺ. In doing this, he has made it *Wājib* upon his followers to oppose him, remove him, and call him to repentance.

Ibn Qayyim ﷺ explains in *'Ilām al-Muwaqqi 'īn*, “The *Tāghūt* is everything in which man exceeds his limits, whether it is being worshiped, obeyed or followed. Therefore, the [word] *Tāghūt* includes all those to whom the people refer for arbitration instead of Allāh or His Prophet ﷺ, or whom they worship besides Allāh, or whom they blindly follow without any guidance from Allāh, or whom they obey in matters of which they have no knowledge of it being obedience to Allāh.”

The just leader seeks to empower his followers to be as independent of the creation as possible, teaching them to depend on Allāh ﷺ alone, and equipping them with all the tools they need in order to do so - the foremost being knowledge of the religion. He recognises that he will soon return to Allāh, and his followers will continue upon their journey, which will either be recorded in his scale of good or evil deeds, depending on what he taught them through his words and/or deeds. However, the leader that seeks to render his followers' dependant on him alone, fearing they may otherwise desert him, has exposed his insincerity and ambition to exploit his authority for his own ends. Through such ambitions, it becomes clear he has disregarded Allāh's Pleasure and the aims of the *Shari'ah* (and *Jihād*), no to mention clearly opposing the words of the Prophet ﷺ:

لَا يُؤْمِنُ أَحَدُكُمْ، حَتَّىٰ يُحِبَّ لِأَخِيهِ مَا يُحِبُّ لِنَفْسِهِ

*“None of you truly believes until he loves for his brother what he loves for himself.”*

As no believer possessing dignity likes for themselves to be dependent, and at the mercy, of other than Allāh, the Most Merciful, Alone.

This principle equally applies to parents, husbands, teachers, preachers, scholars, and every person responsible for others, as:

«أَلَا كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، فَالإِمَامُ الَّذِي عَلَى النَّاسِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ»

*“Indeed every one of you is a guardian and is responsible for his flock: The ruler of a people is a guardian and will be questioned regarding those he is responsible for.”*<sup>112</sup>

<sup>112</sup> *Sahīh al-Bukhārī* (7138), *Sahīh Muslim* (1829), *Sunan Abī Dāwūd* (2928), *al-Jāmi’ at-Tirmidhī* (1705), and *Musnad Aḥmad* (4495)

(18)

## HAVING A PLEASANT CHARACTER WITH THOSE ONE IS RESPONSIBLE FOR, AND SHUNNING THOSE WITH BAD MANNERS

عَنْ أَبِي الدَّرْدَاءِ، أَنَّ النَّبِيَّ ﷺ قَالَ: «مَا شَيْءَ أَنْقَلُ فِي مِيزَانِ الْمُؤْمِنِ يَوْمَ الْقِيَامَةِ مِنْ خُلُقٍ حَسَنٍ، وَإِنَّ اللَّهَ لَيُبَغْضُ الْفَاحِشَ الْبَذِيءَ»

**Hadīth 31:** Abī Dardā' رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, "There is nothing heavier on the believer's scale on the Day of Judgement than good character, and Allāh certainly hates the obscene person." <sup>113</sup>

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَيْسَ الشَّدِيدُ بِالصُّرَعَةِ، إِنَّمَا الشَّدِيدُ الَّذِي يَمْلِكُ نَفْسَهُ عِنْدَ الغَضَبِ»

**Hadīth 32:** Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, "The strong person is not the one who overcomes people with his strength, rather the strong is the one controls himself when he is angry." <sup>114</sup>

**Commentary:** Allāh ﷺ said about His final Prophet and Messenger ﷺ in *Sūrah al-Qalam* (68:4):

﴿وَإِنَّكَ لَعَلَىٰ حُكْمٍ عَظِيمٍ﴾

*And indeed, you are of a great moral character.*

<sup>113</sup> *Sunan Abī Dāwūd* (4799), *al-Jāmi' at-Tirmidhī* (2002), and *Musnad Aḥmad* (27496). The wording is at-Tirmidhī's

<sup>114</sup> *Ṣaḥīḥ al-Bukhārī* (6114), *Ṣaḥīḥ Muslim* (2609), *Muwatta'* (2637), and *Musnad Aḥmad* (7219)

In addition, when ‘the mother of the believers’ ‘Ā’ishah رضي الله عنها was asked regarding the character of her husband - the Prophet ﷺ, she replied:

كَانَ خُلُقُهُ الْقُرْآن

“His character was that of the Qur’ān.”

This demonstrates that the character of the Prophet ﷺ was the practical manifestation of the Book of Allāh ﷺ. Thus, the one claiming to truly follow the Book and the *Sunnah*, and be waging *Jihād* so that Allāh’s Word (i.e. His Book) is exalted, must do more than grow his beard and raise his lower garment above his ankles. Rather, he is required to strive to his utmost, to have every facet of his existence shaped by Allāh’s Words manifested in the actions of the best of His creation ﷺ. This is the essence and perfection of *Jihād* in the Cause of Allāh - a *Jihād* that encompasses the heart, tongue, and limbs, and strives to suppress all enemies - the Satan, the self (i.e. one’s evil desires), the disbelievers and *Munāfiqīn*, and the perpetrators of injustice. Indeed, *Shaykh al-Islām* ibn Taymiyyah رحمه الله defines *Jihād* as this in *Majmū’ al-Fatāwā* (10/191), saying, “*Jihād* in its truest sense is striving (to the best of one’s ability) to attain all that Allāh loves, whether through belief(s) or righteous actions. It is (also) to strive to repel all that Allāh dislikes, whether perpetrated by the disbelievers, the wicked, or the sinners.”

This exalted standard of character and example attracted multitudes, that Allāh only knows, to Islām, and instilled a willingness in them to sacrifice everything they held dear in the pursuit of His Pleasure. As such the leader, scholar, or preacher, must understand that actions speak louder than words. Consequently, before anyone is convinced by eloquent words and convincing argument, they are attracted by a moral conduct and behaviour that defies the unguided masses, and is clearly heavenly inspired. This is what transferred the rough and uncouth desert Arabs into mountains, the likes of which history has not witnessed, who subdued disbelief - east and west - and described by their enemies as, ‘monks throughout the night and knights during the day.’

The message carried by the leader is thus his primary concern, and he protects this at all costs, which means that he too has to strive to attain the exemplary character that adorned his beloved ﷺ. He thus will protect the message from the enemy's military attacks, and from all other attacks, due to his strictly guarded words and actions. He must likewise ensure, to the best of his ability, that all those who represent him are upon the same exalted standard of character and behaviour.

As it is known that one of the easiest, and first ways the enemies of Allāh attack seek to attack the noble *Mujāhid* and his exalted call, is by assassinating his character, as they tried to do with the honourable Prophet ﷺ before him. Thus, if the believer, and especially the leader, allows his morals, manners, and conduct to slip, and become corrupted, the enemy has indeed achieved an immense victory against the religion of Islām, all without having to fire a single bullet. They recognise today as they did then, that if the messenger is discredited, then so is his message, and thus those who once supported the message will begin to criticise it, and perhaps eventually even turn into adversaries - A most unfortunate reality that has occurred due to the mistakes and corruption of the *Mujāhidīn* themselves. Thus, Allāh ﷺ orders the believers:

﴿يَأَيُّهَا الَّذِينَ إِيمَانُكُمْ أَصْلَحُوا وَصَابِرُوا وَرَأَيْتُمُوا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ﴾

*O you who have believed, persevere and endure and remain stationed and fear Allāh that you may be successful.*<sup>115</sup>

The being stationed in the path of Allāh - or *Ribāṭ* - that He ﷺ orders, means to defending Islām and the Muslims from all attacks, both physical and moral, each according to his or her capability, and Allāh indeed knows best.

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<sup>115</sup> *Sūrah Al 'Imrān* (3):200

(19)

## THE NECESSITY OF LEADERS BEING BRAVE, AND THE CENSURE OF THE COWARD AND MISER

عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ، قَالَ: «كَانَ النَّبِيُّ عَلَيْهِ الْأَكْرَمَاتُ أَحْسَنَ النَّاسِ، وَأَشْجَعَ النَّاسِ، وَأَجْوَدَ النَّاسِ، وَلَقَدْ فَرَغَ أَهْلُ الْمَدِينَةِ فَكَانَ النَّبِيُّ عَلَيْهِ الْأَكْرَمَاتُ سَبَقَهُمْ عَلَى فَرَسٍ»، وَقَالَ: «وَجَدْنَاهُ بَحْرًا»

**Hadīth 33:** Anas ibn Mālik رضي الله عنه narrated that the Prophet ﷺ was the best, the bravest, and the most generous of people. On one occasion the people of Madīnah became frightened, and the Prophet ﷺ was the first of them who rode on horseback (to investigate the situation, and when he returned), he said, “We found him (i.e. the horse) to be extremely fast.”<sup>116</sup>

عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ عَلَيْهِ الْأَكْرَمَاتُ يَقُولُ: «شَرُّ مَا فِي رَجُلٍ شُحٌّ هَالِعُ وَجُبْنٌ خَالِعٌ»

**Hadīth 34:** Abū Hurayrah رضي الله عنه narrated that he heard the Messenger of Allāh ﷺ saying, “The worst characteristics found in a man are extreme miserliness and severe cowardliness.”<sup>117</sup>

**Commentary:** The necessity of the leader, especially one leading *Mujāhidīn*, being brave is apparent and needs little supporting evidence. Indeed, the Messenger of Allāh ﷺ would implore Allāh ﷺ:

<sup>116</sup> *Ṣaḥīḥ al-Bukhārī* (2820), *Ṣaḥīḥ Muslim* (2307), and *Sunan Abī Dāwūd* (4988)

<sup>117</sup> *Sunan Abī Dāwūd* (2511) and *Musnad Aḥmad* (8010)

اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنَ الْعَجْزِ، وَالْكَسْلِ، وَالْجُنُونِ، وَالْهَرَمِ، وَالْبُخْلِ، وَأَعُوذُ  
بِكَ مِنْ عَذَابِ الْقَبْرِ، وَمِنْ فِتْنَةِ الْمَحْيَا وَالْمَمَاتِ

“O Allāh, I seek refuge with You from inability, laziness, cowardice, old age, miserliness, and I seek refuge with You from the punishment of the grave, and the Fitnah of life and death.”<sup>118</sup>

Ibn an-Nuḥḥās رَحْمَةُ اللَّهِ said in *Mashāri’ al-Ashwāq* (p.952),<sup>119</sup> “He ﷺ combined between stinginess and cowardice [...] for stinginess is the unwillingness to give wealth for Allāh while cowardice is the unwillingness to give the soul for Allāh. [...]

Cowardice is the opposite of courage. Courage is the firmness of the heart. The heart is the essence of every good deed. The heart cannot be firm if the mind is not sound. If the heart is weak it leads to cowardice, and if the heart is too strong it leads to recklessness.”

Both stinginess and cowardliness are *Harām*, if they lead to one not fulfilling their obligations, such as *Jihād* with the wealth and with the self.

Moreover, in the case of the leader, these two evil qualities often produce a ripple effect, that's waves encompass his followers, since it is human nature that followers regularly look to their leader's example for guidance and a model to emulate. Thus, if the leader is a coward and/or miser, his followers will likely adopt these same blameworthy characteristics. This is especially critical in the case of the leader of the *Jihādī* movement, as the very essence of *Jihād* is built upon the foundations of freely sacrificing ones wealth and life, seeking none other than Allāh's Pleasure.

<sup>118</sup> *Sahīh al-Bukhārī* (2823), *Sahīh Muslim* (2706), *Sunan Abī Dāwūd* (1540), *Sunan at-Tirmidhī* (3484), *Sunan an-Nasā’ī* (5448), and *Musnad Aḥmad* (12113). The wording is Muslim's

<sup>119</sup> *Mashāri’ al-Ashwāq Ilā Masāri’ al-„Ushāq wa Muthīr al-Gharām Ilā Dār as-Salām*, Ninth Edition (2015), Dār al-Bashā’ir al-Islāmiyyah

It is near inconceivable that the coward or miser would possess the ability to lead his soldiers into battle, setting the example of bravery and generosity required to stir them to offer the sacrifices *Jihād* demands. As the saying goes, ‘A lion leading a thousand foxes is better than the fox leading a thousand lions.’

In addition, cowardliness and miserliness are traits condemned by *Fitrah*, while their opposites are praised. As a result, the coward and the miser are generally despised by people, especially if they are tasked with defending the people and securing their rights. Accordingly, followers will inevitably despise the leader with such traits, and will refuse to aid him with their support and strength. However, Allāh ﷺ highlights, addressing His noble Prophet and Messenger ﷺ, that He conferred His Victory upon him ﷺ through His Help and the believers following him. He ﷺ says in *Sūrah al-Anfāl* (8:62):

﴿فَإِنَّ حَسْبَكُ اللَّهُ هُوَ الَّذِي أَيَّدَكَ بِنَصْرٍ وَّبِالْمُؤْمِنِينَ ﴾

*sufficient for you is Allāh. It is He who supported you with His help and with the believers*

He ﷺ also says:

﴿يَأَيُّهَا النَّبِيُّ حَسْبُكَ اللَّهُ وَمَنِ اتَّبَعَكَ مِنَ الْمُؤْمِنِينَ ﴾

*O Prophet, sufficient for you is Allāh and for whoever follows you of the believers.*<sup>120</sup>

Therefore, the leader that works to alienate his followers specifically, or the believers in general, whether it be through his character or actions, is inviting the withdrawal of Allāh’s Support,

﴿وَمَا الْحَصْرُ إِلَّا مَنْ عِنْدَ اللَّهِ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ ﴾

<sup>120</sup> *Sūrah al-Anfāl* (8):64

***And victory is not but from Allāh. Indeed, Allāh is Exalted in Might and Wise.***<sup>121</sup>

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<sup>121</sup> *Sūrah al-Anfāl* (8):10

(20)

## SEEKING THE PLEASURE OF ALLĀH WHEN MAKING DECISIONS

كَتَبَتْ عَائِشَةُ إِلَى مُعَاوِيَةَ: سَلَامٌ عَلَيْكَ. أَمَّا بَعْدُ: فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنِ التَّمَسَ رِضَاءَ اللَّهِ بِسَخْطِ النَّاسِ كَفَاهُ اللَّهُ مُؤْنَةَ النَّاسِ، وَمَنِ التَّمَسَ رِضَاءَ النَّاسِ بِسَخْطِ اللَّهِ وَكَلَهُ اللَّهُ إِلَى النَّاسِ، وَالسَّلَامُ عَلَيْكَ»

**Hadīth 35:** ‘Ā’ishah wrote to Mu’āwiyah رضي الله عنها: ‘May peace be upon you. As for what follows: Indeed, I heard the Messenger of Allāh ﷺ saying, “Whoever seeks the pleasure of Allāh despite the people being angered, Allāh will suffice him of the people’s provisions (i.e. he will have no need for them). And whoever seeks the people’s pleasure despite Allāh being angered will be abandoned to the people by Allāh.”’<sup>122</sup>

**Commentary:** The pleasure of Allāh ﷺ is the greatest objective the believer aspires to, greater than Paradise itself, as is evident in Allāh’s noble words:

﴿وَعَدَ اللَّهُ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ جَنَّتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَلَدِينَ فِيهَا وَمَسَكِينٌ طَبِيعَةٌ فِي جَنَّتٍ عَدَنٍ وَرِضْوَانٌ مِنْ اللَّهِ أَكْبَرُ ذَلِكَ هُوَ الْفَوْزُ الْعَظِيمُ﴾

*Allāh has promised the believing men and believing women gardens beneath which rivers flow, wherein they abide eternally, and pleasant dwellings in gardens of perpetual*

<sup>122</sup> Al-Jāmi’ at-Tirmidhī (2414)

**residence; but approval from Allāh is greater. It is that which is the great attainment.**<sup>123</sup>

He ﷺ also says in *Sūrah al-Mā' idah* (5:119):

﴿رَضِيَ اللَّهُ عَنْهُمْ وَرَضُوا عَنْهُ ذَلِكَ الْفَوْزُ الْعَظِيمُ﴾

***Allāh being pleased with them, and they with Him. That is the great attainment.***

Likewise, the Prophet ﷺ said, in a *Hadīth* recorded in *Ṣaḥīḥ al-Bukhārī: The Book of Heart Softeners* (6549):

إِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى يَقُولُ لِأَهْلِ الْجَنَّةِ: يَا أَهْلَ الْجَنَّةِ؟ فَيَقُولُونَ: لَبَيْكَ رَبَّنَا وَسَعْدَيْكَ، فَيَقُولُ: هَلْ رَضِيْتُمْ؟ فَيَقُولُونَ: وَمَا لَنَا لَا نَرَضَى وَقَدْ أُعْطَيْنَا مَا لَمْ تُعْطِ أَحَدًا مِنْ حَلْقِكَ، فَيَقُولُ: أَنَا أُعْطِيْكُمْ أَفْضَلَ مِنْ ذَلِكَ، قَالُوا: يَا رَبَّ، وَأَيُّ شَيْءٍ أَفْضَلُ مِنْ ذَلِكَ؟ فَيَقُولُ: أَحْلُ عَلَيْكُمْ رِضْوَانِي، فَلَا أَسْخَطُ عَلَيْكُمْ بَعْدَهُ أَبَدًا

**“Indeed, Allāh ﷺ will say to the inhabitants of Paradise, ‘**O inhabitants of Paradise.**’ So they will respond, ‘Here we are, at Your service O our Lord. All good is in Your Hand!’ He will then ask them, ‘**Are you pleased?**’ They will respond, ‘How could we not be pleased when You have given us what You have not given anyone from Your creation.’ He will say, ‘**I will give you better than that.**’ They will say, ‘O Lord, and what could be better than that?’ So He will say, ‘**I shall bestow My Pleasure upon you, and I shall never be displeased with you’.”****

Accordingly, for the believer to intend with his or her words and deeds the pleasure of Allāh ﷺ alone, is sufficient as a *Niyyah* (intention), rather it is the ultimate *Niyyah* one can possess, and:

<sup>123</sup> *Sūrah at-Tawbah* (9):72

إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ، وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى

*“Indeed actions are only according to their intentions, and everyone will have that which he intended.”*<sup>124</sup>

No doubt, decisions that cause hair to turn grey and eyes to roll will confront the *Mujāhid* leader upon his path. However, truly intending Allāh’s Pleasure alone, and not the pleasure of the people, prevents him from inclining towards (impermissible) compromise on account of the pressure exerted upon him by his enemies and those around him. Thus, a disregard for any course of action not entailing the pleasure of Allāh is necessary for the leader concerned for his hereafter and the victory of Islām. Along with willingness to trade the fleeting enjoyments of this life for the eternal pleasure of Allāh, like those whom He ﷺ mentioned:

﴿وَمَنْ أَنَّاسٍ مَنْ يَشْرِي نَفْسَهُ أَبْتِغَاءَ مَرْضَاتِ اللَّهِ وَاللَّهُ رَءُوفٌ  
بِالْعِبَادِ﴾

*And of the people is he who sells himself, seeking means to the approval of Allāh. And Allāh is kind to [His] servants.*<sup>125</sup>

Indeed, the Prophet ﷺ said to ibn ‘Abbās, رَضِيَ اللَّهُ عَنْهُ, in a *Hadīth* reported by at-Tirmidhī رَحْمَةُ اللَّهِ لَهُ in his *Sunan* (2516):

وَاعْلَمُ أَنَّ الْأُمَّةَ لَوْ اجْتَمَعْتُ عَلَى أَنْ يَنْفَعُوكَ بِشَيْءٍ لَمْ يَنْفَعُوكَ إِلَّا بِشَيْءٍ قَدْ كَتَبَهُ اللَّهُ لَكَ، وَلَوْ اجْتَمَعُوا عَلَى أَنْ يَضُرُوكَ بِشَيْءٍ لَمْ يَضُرُوكَ إِلَّا بِشَيْءٍ قَدْ كَتَبَهُ اللَّهُ عَلَيْكَ، رُفِعَتِ الْأَقْلَامُ وَجَفَّتِ الصُّحُفُ

<sup>124</sup> *Ṣaḥīḥ al-Bukhārī* (1), *Ṣaḥīḥ Muslim* (1907), *Sunan Abī Dāwūd* (2201), *Sunan at-Tirmidhī* (1647), *Sunan an-Nasā’i* (75), *Sunan ibn Mājah* (4227), and *Musnad Ahmad* (168)

<sup>125</sup> *Sūrah al-Baqarah* (2):207

“... Know that if the nation were to gather to benefit you with something, they would not benefit you with anything except that which Allāh has already recorded for you. If they gather to harm you by something, they would not be able to harm you by anything except what Allāh has already recorded against you. The pens have been lifted and the pages have dried.”

Lastly, part of seeking Allāh’s Pleasure is also recognising that in the religion of Islām, the ends do not justify the means, rather:

إِنَّ اللَّهَ طَيِّبٌ لَا يَقْبُلُ إِلَّا طَيِّبًا

“Allāh is pure, and does not accept except that which is pure.”<sup>126</sup>

Therefore, just because the believer may well have the noblest of causes, goals, and intentions, it does not permit him to embark upon an impermissible course to achieve his objective. Rather, just as the believer’s intention and objective must be permitted and regulated by the *Sharī’ah*, so must his words and deeds.

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<sup>126</sup> *Šaḥīḥ Muslim* (1015), *Sunan at-Tirmidhī* (2989), *Sunan ad-Dārimī* (2759), and *Musnad Aḥmad* (8348)

(21)

## HELPING THE OPPRESSED, AND A WARNING AGAINST OPPRESSION AND ALLĀH'S RESPONSE TO THE OPPRESSED

عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: «اَنْصُرْ اَخَاكَ طَالِمًا اَوْ مَظْلُومًا»، قَالُوا: يَا رَسُولَ اللَّهِ، هَذَا نَنْصُرُهُ مَظْلُومًا، فَكَيْفَ نَنْصُرُهُ طَالِمًا؟ قَالَ: «تَأْخُذُ فَوْقَ يَدِيهِ»

**Hadīth 36:** Anas رضي الله عنه narrated that the Messenger of Allāh ﷺ said, “Help your brother whether he is the oppressor or the oppressed.” The Companions said, “O Messenger of Allāh, we will help him when he is oppressed, but how can we help him when he is the oppressor?” He replied, “By taking him by the hand (i.e. by preventing him from oppressing others).”<sup>127</sup>

عَنْ أَبِي ذَرٍّ، عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ، فِيمَا رَوَى عَنِ اللَّهِ تَبَارَكَ وَتَعَالَى أَنَّهُ قَالَ: «يَا عِبَادِي إِنِّي حَرَّمْتُ الظُّلْمَ عَلَى نَفْسِي، وَجَعَلْتُهُ يَسِّكُنُ مُحَرَّمًا، فَلَا تَظَالِمُوا

**Hadīth 36:** Abū Dhar al-Għifārī رضي الله عنه narrated that the Prophet ﷺ narrated that his Lord said, “O my slaves, indeed I have made oppression unlawful for myself, and have prohibited it between you, so do not oppress (one another).”<sup>128</sup>

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: «مَنْ كَانَتْ لَهُ مَظْلَمَةٌ لِأَخْيَهِ مِنْ عَرْضِهِ أَوْ شَيْءٍ، فَلْيَتَحَلَّهُ مِنْهُ الْيَوْمَ، قَبْلَ أَنْ لَا يَكُونَ دِينَارٌ وَلَا

<sup>127</sup> Ṣaḥīḥ al-Bukhārī (2444), al-Jāmi' at-Tirmidhī (2255), and Musnad Aḥmad (11949)

<sup>128</sup> Ṣaḥīḥ Muslim (2557), al-Jāmi' at-Tirmidhī (2495), Sunan ibn Mājah (4257), and Musnad Aḥmad (21367)

دِرْهَمٌ، إِنْ كَانَ لَهُ عَمَلٌ صَالِحٌ أُخِذَ مِنْهُ بِقَدْرِ مَظْلَمَتِهِ، وَإِنْ لَمْ تَكُنْ لَهُ حَسَنَاتٌ أُخِذَ مِنْ سَيِّئَاتِ صَاحِبِهِ فَحُمِّلَ عَلَيْهِ»

**Hadīth 37:** Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “Whoever has wronged anyone with regards to his honour and his wealth, then let him rectify it today, before it is taken from him at a time when there will be no dinar or dirham. If he has righteous deeds, they will be taken from him in accordance with his oppression (of his brother), and if he has no good deeds then he will be forced to take the evil deeds of his brother.”<sup>129</sup>

**Commentary:** Allāh ﷺ has created this *Ummah* as the best nation ever brought forth from humanity due to its enjoining good, forbidding evil, and belief in Allāh. He ﷺ says in *Sūrah Āl 'Imrān* (3:110):

﴿كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ وَتُؤْمِنُونَ بِاللَّهِ﴾

*You are the best nation produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and believe in Allāh.*

A major part of this is to forbid others from committing oppression, and coming to aid of the oppressed, whether they be believer or disbeliever, friend or foe. Allāh ﷺ highlights this in *Sūrah an-Nisā* (4:75) when He says:

﴿وَمَا لَكُمْ لَا تُقْتَلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَصْعِفِينَ﴾

*And what is [the matter] with you that you fight not in the cause of Allāh and [for] the oppressed...?*

<sup>129</sup> *Ṣaḥīḥ al-Bukhārī* (2449), *al-Jāmi' at-Tirmidhī* (2419), and *Musnad Aḥmad* (9615)

Al-Qurtubī رحمۃ اللہ علیہ says in his *Tafsīr* that the conjunction “*and*” in the verse is connected with the command to fight in the Cause of Allāh. Thus, He ﷺ is commanding the believers to fight for His sake, and for the sake of freeing the oppressed men, women, and children who find no helpers, from their oppressors.

Unfortunately, many forget the act of enjoining good and forbidding evil, with *Jihād* being its pinnacle, begins with oneself. It is thus imperative the believer does not fall into the evils he calls others to abandon, and neglects the righteous conduct he enjoins upon others, for indeed Allāh said in His noble Book:

﴿أَتَأُمْرُونَ النَّاسَ بِالْإِيمَانِ وَتَنْسَوْنَ أَنفُسَكُمْ وَأَنْتُمْ تَتَلَوَّنَ الْكِتَابَ أَفَلَا تَعْقِلُونَ﴾

*Do you order righteousness of the people and forget yourselves while you recite the Scripture? Then will you not reason?*<sup>130</sup>

This not only applies to the believer as an individual, but also equally applies to the *Jihādī* groups as entities, especially those governing territory in the lands of the Muslims. As is said, ‘justice is blind,’ meaning that all of the *Mukallifīn* (i.e. those deemed responsible according to the *Shari’ah*) are equal with regards to their responsibility to abide by the injunctions of the *Shari’ah* in all of their affairs. Likewise is their punishment should they violate any laws requiring punishment. The absolute principle, that ‘no one is above the law’ in any way, shape, or form, regardless of status or position, is clearly illustrated in the *Hadīth* recorded in *Sahīh al-Bukhārī* (3475). In it, ‘Ā’ishah رضی اللہ عنہا narrated:

<sup>130</sup> *Sūrah al-Baqarah* (2):44

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، أَنَّ قُرْيَشًا أَهْمَمُهُمْ شَأْنُ الْمَرْأَةِ الْمَخْرُومَيْتِ الَّتِي سَرَقَتْ، فَقَالُوا: وَمَنْ يُكَلِّمُ فِيهَا رَسُولَ اللَّهِ عَلَيْهِ السَّلَامُ؟ فَقَالُوا: وَمَنْ يَجْتَرِي عَلَيْهِ إِلَّا أُسَامَةُ بْنُ زَيْدٍ، حِبْ رَسُولِ اللَّهِ عَلَيْهِ السَّلَامُ فَكَلَمَهُ أُسَامَةُ، فَقَالَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: أَتَشْفَعُ فِي حَدٍّ مِنْ حُدُودِ اللَّهِ، ثُمَّ قَامَ فَأَخْتَطَبَ، ثُمَّ قَالَ: إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ، أَنَّهُمْ كَانُوا إِذَا سَرَقُوا فِيهِمُ الشَّرِيفُ تَرَكُوهُ، وَإِذَا سَرَقَ فِيهِمُ الْمُضَعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِيمُ اللَّهِ لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا

“The Quraysh were concerned about the case of a woman from Banī Makhzūm who stole. So they said, ‘Who can speak to the Messenger of Allāh ﷺ regarding her case?’ They then said, ‘No one would dare to do so except the Messenger of Allāh’s beloved - Usāmah ibn Zayd.’ So Usāmah spoke to the Messenger of Allāh, and he ﷺ said, ‘Do you (dare to) intercede in the case of a punishment from the Punishments of Allāh?’ He then stood up and addressed the people saying, ‘The people before you were not destroyed except that when one of their nobility stole they let them go, and when one of the poor amongst them stole they punished them. By Allāh, if Fātimah bint Muḥammad stole, I would certainly cut off her hand.’”

From the consequences of oppression in this world, is that Allāh ﷺ withholds victory, removes fear of the believers from the enemy’s heart, and places fear of the enemy in the believers’ hearts. In addition, as the *Hadīth* states, there is no barrier between Allāh ﷺ and the supplication of the oppressed. As such, the oppressors may well be afflicted by the *Du’ā* of the oppressed in this world, as was recorded on a number of occasions during the era of the Companions رضي الله عنهم.

While Allāh, in His all-encompassing Mercy, may forgive his slaves for anything less than *Shirk* on the Day of Judgement, He does not forgive transgressions against the rights of His slaves. Rather, these affairs will be strictly between the wronged and the wrongdoer - if the wronged did not forgive the oppressor in this world, he or she will take good deeds from them on the Day of Judgement. If the oppressor has no more good

deeds left, he or she will begin to take the evil deeds of those who he or she oppressed, until all scores are settled. The Prophet ﷺ mentioned such people in a *Hadīth* recorded in *Ṣaḥīḥ Muslim* (2581), wherein he ﷺ asked his Companions رضي الله عنهم :

«أَتَدْرُونَ مَا الْمُفْلِسُ؟» قَالُوا: الْمُفْلِسُ فِينَا مَنْ لَا دِرْهَمَ لَهُ وَلَا مَتَاعَ، فَقَالَ: «إِنَّ الْمُفْلِسَ مِنْ أُمَّتِي يَأْتِي يَوْمَ الْقِيَامَةِ بِصَلَاةٍ، وَصِيَامٍ، وَزَكَاةً، وَيَأْتِي قَدْ شَتَّمَ هَذَا، وَقَذَفَ هَذَا، وَأَكَلَ مَالَ هَذَا، وَسَفَكَ دَمَ هَذَا، وَضَرَبَ هَذَا، فَيُعْطَى هَذَا مِنْ حَسَنَاتِهِ، وَهَذَا مِنْ حَسَنَاتِهِ، فَإِنْ فَنِيَتْ حَسَنَاتُهُ قَبْلَ أَنْ يُقْضَى مَا عَلَيْهِ أُخِذَ مِنْ خَطَايَاهُمْ فَطُرِحَتْ عَلَيْهِ، ثُمَّ طُرَحَ فِي النَّارِ»

“Do you know who the bankrupt one is?” They said, “The bankrupt among us is the one who does not have any money or wealth.” The Prophet ﷺ then said, “The bankrupt from my Ummah is the one who will come on the Day of Resurrection with prayers, fasting, and charity, however he reviled so-and-so, slandered so-and-so, took the wealth of so-and-so, spilt the blood of so-and-so, and hit so-and-so. So he will give them from his good deeds, and if his good deeds are depleted before he has settled his account, he will take from their sins and then be thrown into the fire.”

Thus, regardless of the status of the slave in the eyes of the people, it will not save him from the consequences of his oppression on the Day of Resurrection. And for short-lived gains in this life, he may have to pay serious consequences in the next - and we ask Allāh for wellbeing.

(22)

## LOVING THOSE ONE IS RESPONSIBLE FOR, PRESERVING THEIR LOVE (FOR THEIR LEADER), AND SHARING IN THEIR WORK

عَنْ عَوْفِ بْنِ مَالِكٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: خَيْرُ أَمِّتِكُمُ الَّذِينَ تُحِبُّونَهُمْ وَيُحِبُّونَكُمْ، وَيُصَلِّونَ عَلَيْكُمْ وَتُصَلَّوْنَ عَلَيْهِمْ، وَشَرَارُ أَمِّتِكُمُ الَّذِينَ تُبْغِضُونَهُمْ وَيُبْغِضُونَكُمْ، وَتَأْعُنُهُمْ وَيَأْعُنُوكُمْ

**Hadīth 37:** ‘Awf ibn Mālik رَضِيَ اللَّهُ عَنْهُ narrated that he heard the Messenger of Allāh ﷺ saying, “*The best of your rulers are those whom you love and who love you, who invoke Allāh’s blessings upon you and you invoke Allāh’s blessings upon them. While the worst of your rulers are those whom you hate and who hate you, and those whom you curse and who curse you.*”<sup>131</sup>

عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ، قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي الْخَنْدَقِ، وَهُمْ يَحْفِرُونَ وَنَحْنُ نَنْقُلُ التُّرَابَ عَلَى أَكْنَادِنَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ لَا يَعْيَشُ إِلَّا عَيْشُ الْآخِرَةِ، فَاغْفِرْ لِلْمُهَاجِرِينَ وَالْأَنْصَارِ»

**Hadīth 37:** Sahl ibn Sa’d رَضِيَ اللَّهُ عَنْهُ narrated that, “We were with the Messenger of Allāh ﷺ on the day of the Trench and they were digging, and we were carrying the dirt on our shoulders. Thereupon the Messenger of Allāh said, ‘*O Allāh, there is no life except the life of the hereafter. Forgive the Muhajirin and the Ansār.*’”<sup>132</sup>

<sup>131</sup> *Šaḥīḥ Muslim* (1855), *Sunan ad-Dārimī* (2839), and *Musnad Aḥmad* (23981)

<sup>132</sup> *Šaḥīḥ al-Bukhārī* (4098), *Šaḥīḥ Muslim* (1804), *al-Jāmi’ at-Tirmidhī* (3856), and *Musnad Aḥmad* (22815)

**Commentary:** As the Prophet ﷺ said, “*The best of your rulers are those whom you love and who love you*,” thus it is fitting that the leader strives to be amongst those the Prophet ﷺ described, seeking though this Allāh’s Pleasure Alone. This is achieved by being as the Prophet ﷺ was with his Companions رضي الله عنهم - he would participate with them in all of their affairs, especially those entailing hardship. Such matters that leaders in the era of *Jāhilīyyah* (i.e. pre-Islām) traditionally did not undergo with their followers, or even experience at all throughout their lives.

The Prophet ﷺ, the shining example for those who love Allāh ﷺ, experienced happiness, sadness, fear, grief, hunger, fatigue, and injury along with his Companions رضي الله عنهم. In fact, the Prophet ﷺ was from the foremost in experiencing poverty and hunger, as the following incident recorded in *Sahīh Muslim* (2038) illustrates. In it, Abū Hurayrah رضي الله عنه narrated:

قَالَ: خَرَجَ رَسُولُ اللَّهِ عَلَيْهِ الْبَصَرُ ذَاتَ يَوْمٍ - أَوْ لَيْلَةً - فَإِذَا هُوَ بِأَيِّ بَكْرٍ وَعُمَرَ،  
فَقَالَ: «مَا أَخْرَجَكُمَا مِنْ بَيْوِتِكُمَا هَذِهِ السَّاعَةُ؟» قَالَا: الْجُوعُ يَا رَسُولَ اللَّهِ،  
قَالَ: «وَأَنَا، وَالَّذِي نَفْسِي بِيَدِهِ، لَأَخْرَجَنِي الَّذِي أَخْرَجَكُمَا...»

“The Messenger of Allāh ﷺ went out one day - or night - and he was with Abū Bakr and ‘Umar. He said to them, ‘*What has brought you out of your houses at this hour?*’ They replied, ‘Hunger, O Messenger of Allāh.’ He said, ‘*As for me, then by the One in Whose Hand my soul is, I have certainly been driven to come out for the same reason as you have.*’ ...”<sup>133</sup>

This, and numerous other incidents throughout the life of the Prophet ﷺ, served to foster the love, admiration, and appreciation that his Companions رضي الله عنهم had for him ﷺ. This was because they understood their leader ﷺ was genuinely concerned for the religion, them, and

<sup>133</sup> Similar narrations are also in *Sunan at-Tirmidhī* (2369) and *Sunan ibn Mājah* (3180)

their families. Consequently, the Prophet's Companions رَجُلَيْنِ اللَّهِ عَنْهُمْ were the most eager and quickest to sacrifice themselves for Islām and their leader ﷺ. This was also evident in the leaders from amongst his Companions after him رَجُلَيْنِ، as it is likewise evident throughout history with leaders loved by their followers. In *Ṣaḥīḥ al-Bukhārī* (3811) Anas narrated:

لَمَّا كَانَ يَوْمُ أُحُدٍ انْهَزَمَ النَّاسُ عَنِ النَّبِيِّ عَلَيْهِ السَّلَامُ، وَأَبُو طَلْحَةَ بْنَ يَدَيِ النَّبِيِّ عَلَيْهِ السَّلَامُ مُجَوَّبٌ بِهِ عَلَيْهِ بِحَجَفَةٍ لَهُ، وَكَانَ أَبُو طَلْحَةَ رَجُلًا رَامِيًّا شَدِيدَ الْقِدْدِ، يَكْسِرُ يَوْمَئِذٍ قَوْسَيْنِ أَوْ ثَلَاثَةً، وَكَانَ الرَّجُلُ يَمْرُّ مَعَهُ الْجَمْعَةُ مِنَ النَّبِلِ، فَيَقُولُ: «اَنْشُرُهَا لِأَبِي طَلْحَةَ». فَأَشْرَفَ النَّبِيُّ عَلَيْهِ السَّلَامُ يَنْتَرُ إِلَى الْقَوْمِ، فَيَقُولُ أَبُو طَلْحَةَ: يَا نَبِيَّ اللَّهِ، إِبْرَاهِيمَ أَنْتَ وَأَمِّي، لَا تُتْشَرِّفْ بِعِصْبِيْكَ سَهْمٌ مِنْ سِهَامِ الْقَوْمِ، نَحْرِي دُونَ نَحْرِكَ،

“On the day of Uhud, when the people were defeated and fled from around the Prophet ﷺ, Abū Ṭalhah remained, shielding the Prophet ﷺ with his body. Abū Ṭalhah was an expert and powerful archer who broke two or three bows that day. Whenever someone would pass by carrying arrows, the Prophet ﷺ would say, ‘give them to Abū Ṭalhah.’ Whenever the Prophet ﷺ would raise his head to at the enemy, Abū Ṭalhah would say, ‘O Prophet of Allāh, may my mother and father be sacrificed for you, do not raise your head lest you hit by one of the enemy’s arrows, may my neck be sacrificed instead of yours!’”<sup>134</sup>

When believers witness their leader, through his actions and stances, is competent, and is willing to sacrifice everything he possess in order to defend Islām, its adherents, and to raise the Word of Allāh to the uppermost. They too will not hesitate to do likewise, following his example. They will also make the same sacrifices to defend him, due to their love for him, their understanding that defending the (upright) leader is from the *Sunnah* of the Companions رَجُلَيْنِ اللَّهِ عَنْهُمْ, and because they

<sup>134</sup> Similar narrations are also in *Ṣaḥīḥ Muslim* (1811) and *Musnad Aḥmad* (12024)

realise that Allāh ﷺ has sent this slave as an answer to the prayers of the oppressed when they said:

﴿رَبَّنَا أَنْجِنَانِنْ هَذِهِ الْقَرِيَةُ الظَّالِمُ أَهْلُهَا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيَّا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ نَصِيرًا﴾

***“Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?”***

The leader should then, if he desires to be from among the best, humble himself - first and foremost - before Allāh ﷺ, and then before his followers, and extend his wing of mercy to them. He also endears himself to them by helping them in their work, especially if it is exacting or unpleasant. The leader should also be aware the believers are not but brothers, so he should treat them, as he would like to be treated. It may also be the case that he is appointed over those whom are better than him in the Sight of Allāh ﷺ. Indeed, Allāh has aided him through the believers, so woe upon him if he rejects, and drives away Allāh’s Help with his haughty behaviour. Allāh informs the believers in *Sūrah al-Anfāl* (8:62):

﴿فَإِنَّ حَسْبَكَ اللَّهُ هُوَ الَّذِي أَيَّدَكَ بِنَصْرٍ وَّبِالْمُؤْمِنِينَ﴾

***sufficient for you is Allāh. It is He who supported you with His help and with the believers.***

(23)

## GENERAL RULINGS REGARDING JIHĀD

عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ، قَالَ: كَانَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ إِذَا أَمْرَرَ أَمْرِيرًا عَلَى جِيْشٍ، أَوْ سَرِيْةٍ، أَوْ صَاهِهِ فِي خَاصَّتِهِ بِتَقْوَى اللَّهِ، وَمَنْ مَعَهُ مِنَ الْمُسْلِمِينَ حَيْرًا، ثُمَّ قَالَ: «اغْزُوْا بِاسْمِ اللَّهِ فِي سَبِيلِ اللَّهِ، قاتِلُوا مَنْ كَفَرَ بِاللَّهِ، اغْزُوْا وَلَا تَغْلُوا، وَلَا تَغْدِرُوا، وَلَا تَمْثُلُوا، وَلَا تَقْتُلُوا وَلِيْدًا، وَإِذَا لَقِيْتَ عَدُوْكَ مِنَ الْمُشْرِكِينَ، فَادْعُهُمْ إِلَى ثَلَاثِ خَصَالٍ - أَوْ خَلَالٍ - فَإِنْتُمْ أَجَابُوكُمْ فَاقْبِلُ مِنْهُمْ، وَكُفُّ عَنْهُمْ، ثُمَّ ادْعُهُمْ إِلَى الْإِسْلَامِ، فَإِنْ أَجَابُوكُمْ، فَاقْبِلُ مِنْهُمْ، وَكُفُّ عَنْهُمْ، ثُمَّ ادْعُهُمْ إِلَى التَّحَوُّلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ، وَأَخْبِرُهُمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ فَأَهُمْ مَا لِلْمُهَاجِرِينَ، وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ، فَإِنْ أَبُوا أَنْ يَتَحَوَّلُوا مِنْهَا، فَأَخْبِرُهُمْ أَنَّهُمْ يَكُونُونَ كَأَعْرَابَ الْمُسْلِمِينَ، يَجْرِي عَلَيْهِمْ حُكْمُ اللَّهِ الَّذِي يَجْرِي عَلَى الْمُؤْمِنِينَ، وَلَا يَكُونُ لَهُمْ فِي الْعِنْيَمَةِ وَالْفَيْءِ شَيْءٌ إِلَّا أَنْ يُجَاهِدُوا مَعَ الْمُسْلِمِينَ، فَإِنْ هُمْ أَبُوا فَسَلِّهُمُ الْجِزْيَةَ، فَإِنْ هُمْ أَجَابُوكُمْ فَاقْبِلُ مِنْهُمْ، وَكُفُّ عَنْهُمْ، فَإِنْ هُمْ أَبُوا فَاسْتَعِنْ بِاللَّهِ وَقاتِلُهُمْ، وَإِذَا حَاصَرْتَ أَهْلَ حِصْنٍ فَأَرْادُوكَ أَنْ تَجْعَلَ لَهُمْ ذِمَّةَ اللَّهِ، وَذِمَّةَ نَبِيِّهِ، فَلَا تَجْعَلْ لَهُمْ ذِمَّةَ اللَّهِ، وَلَا ذِمَّةَ نَبِيِّهِ، وَلَكِنْ اجْعَلْ لَهُمْ ذِمَّتَكَ وَذِمَّةَ أَصْحَابِكَ، فَإِنَّكُمْ أَنْ تُخْفِرُوا ذِمَّمَكُمْ وَذِمَّمَ أَصْحَابِكُمْ أَهْوَنُ مِنْ أَنْ تُخْفِرُوا ذِمَّةَ اللَّهِ وَذِمَّةَ رَسُولِهِ، وَإِذَا حَاصَرْتَ أَهْلَ حِصْنٍ فَأَرْادُوكَ أَنْ تُنْزِلَهُمْ عَلَى حُكْمِ اللَّهِ، فَلَا تُنْزِلَهُمْ عَلَى حُكْمِ اللَّهِ، وَلَكِنْ أَنْزِلْهُمْ عَلَى حُكْمِكَ، فَإِنَّكَ لَا تَدْرِي أَتُصِيبُ حُكْمَ اللَّهِ فِيهِمْ أَمْ لَا»

**Hadīth 38:** Sulaymān ibn Buraydah رضي الله عنه narrated from his father (Buraydah) that when the Messenger of Allāh ﷺ appointed anyone as leader of an army or detachment he would exhort him especially to fear Allāh and to be good to the Muslims who were with him. He would

say, “*Fight in the name of Allāh and in the Cause of Allāh. Fight those who disbelieve in Allāh. Go forth, do not embezzle the Ghanīmah (i.e. the spoils of war); break your pledge(s); mutilate (the dead); or kill children.*

*When you meet your enemies from the polytheists invite them to three courses of action, if they respond to any one accept it from them and withhold your hands from them (i.e. do not harm them). Invite them to (accept) Islām; if they respond to you, accept it from them and desist from fighting them. Then invite them to migrate from their lands to the land of the Muhājirīn, and inform them if they do so they shall have all the privileges and obligations that the Muhājirīn have. If they refuse to migrate, tell them they will have the status of Bedouin Muslims and will be subjected to the Commands of Allāh like other Muslims, but they will not get any share from the Ghanīmah or Fay’<sup>135</sup> except if they fight alongside the Muslims (against the disbelievers). If they refuse to accept Islām, demand from them the Jizyah. If they agree to pay, accept it from them and withhold your hands. If they refuse to pay the Jizyah, seek Allāh’s Help and fight them.*

*When you lay siege to a fort and the besieged appeal to you for Allāh’s and His Prophet’s guarantee, do not grant it to them rather grant them your own guarantee and the guarantee of your companions. For it is a lesser sin that the security given by you or your companions be violated than that the security granted in the name of Allāh and His Prophet. When you besiege a fort and the besieged agree to come out according to Allāh’s Command, do not accept that, but do so at your (own) command, for you do not know whether or not you will judge according to Allāh’s Command (i.e. that which Allāh loves) with regards to them.”<sup>136</sup>*

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<sup>135</sup> *Ghanīmah* is the spoils of war that comes as a direct result of fighting, while *Fay’* is the wealth of the disbelievers that the Muslims acquire without fighting, such as when the disbelievers hear of the Muslims’ approach and thus flee their positions without a fight, leaving behind their wealth and possessions. For further explanation, refer to *Fiqh of Jihād: Understanding the Obligation*, (2<sup>nd</sup> Edition), Distance of a Month’s Journey Publications (pp.439-509).

<sup>136</sup> *Ṣaḥīḥ Muslim* (1731), *Sunan Abī Dāwūd* (2612), *al-Jāmi’ at-Tirmidhī* (1408), *Sunan ibn Mājah* (2858), *Sunan ad-Dārimī* (2483), and *Musnad Aḥmad* (22978)

**Commentary:** This *Hadīth* - the *Hadīth* of Buraydah رَجُلُهُ عَنْهُ - has numerous benefits, and a number of them will be mentioned briefly here, however for more detailed explanations refer to books on the *Fiqh* of *Jihād*. From them are:

- The necessity for the military commander to fear Allāh ﷺ

Allāh ﷺ commands all of mankind, believer and disbeliever alike, to fear Him, stating in *Sūrah an-Nisā'* (4:1):

﴿إِنَّا لِهَا النَّاسُ أَتَقْوَى رِبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَحْدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَ مِنْهُمَا رِجَالًا كَثِيرًا وَسَاءَ وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامُ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴾ (١)

*O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allāh, through whom you ask one another, and the wombs. Indeed Allāh is ever, over you, an Observer.*

In his commentary on the *Forty Hadīth of an-Nawawī*, *Jāmi' al-'Ulūm wa'l-Hikam* (Hadīth 18), ibn Rajab al-Hanbalī رَجُلُهُ عَنْهُ said, “The basis of *Taqwā* is that the slave takes precautions by placing a barrier between him and that which he fears. Thus, the slave’s *Taqwā* of his Lord is that he places a barrier between him and that which he fears from his Lord’s anger, displeasure, and punishment, and that (barrier) is that he acts in obedience to his Lord and abstains from disobeying Him. [...] Complete *Taqwā* is comprised of performing the *Wājibāt* (i.e. obligations), and abandoning the *Muhibbāt* (i.e. prohibitions) and doubtful matters.” Ibn Rajab also narrates later on that Abū Dardā’ رَجُلُهُ عَنْهُ said, “The perfection of *Taqwā* is that the slave fears Allāh until he fears Him from (disobeying him with) an atom’s weight (of evil). Until he abandons some of that which he considers to be *Halāl*, fearing that it may be *Harām*, thus it is a barrier between him and the *Harām*...”

Indeed, every benefit obtained in this world and the next traces back to *Taqwā* of Allāh ﷺ, while every evil and detriment is a result of its absence.

Allāh links *Jihād* and *Taqwā* in numerous places throughout the Qur'ān and *Sunnah*, thus highlighting its importance in the life of the *Mujāhid*. To the extent, that in almost every instance wherein Allāh ﷺ mentions *Jihād*, He either explicitly mentions *Taqwā*, or warns the believers from transgression. From such instances are His ﷺ words:

﴿وَلَمَنْعِلُتْ قَصَاصٌ فَمَنِ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ يُمْثِلُ مَا اعْتَدَى عَلَيْكُمْ  
وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾ ١٣٤

*and for [all] violations is legal retribution. So whoever has assaulted you, then assault him in the same way that he has assaulted you. And fear Allāh and know that Allāh is with those who fear Him.*<sup>137</sup>

He ﷺ also says in *Sūrah Al 'Imrān* (3:123):

﴿وَلَقَدْ نَصَرَكُمُ اللَّهُ بِدَرِ وَأَنْتُمْ أَذْلَلُوْهُ فَاتَّقُوا اللَّهَ لَعَلَّكُمْ تَشْكُرُوْنَ﴾ ١٣٥

*And already had Allāh given you victory at [the battle of] Badr while you were weak [i.e., few in number]. Then fear Allāh; perhaps you will be grateful.*

And in *Sūrah at-Tawbah* (9:123):

﴿يَأَيُّهَا الَّذِينَ إِيمَنُوا قَاتِلُوا الَّذِينَ يَأْوِنُّكُمْ مِنَ الْكُفَّارِ وَلَيَجِدُوا فِي كُمْ غَلَظَةٌ وَأَعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ﴾ ١٣٦

<sup>137</sup> *Sūrah al-Baqarah* (2):194

***O you who have believed, fight those adjacent to you of the disbelievers and let them find in you harshness. And know that Allāh is with the righteous.***

Indeed, a lack of *Taqwā* is indeed a calamity and sure-fire way to ruin any *Jihād* and its chances of succeeding. If this is coupled with a lack of knowledge, the situation becomes even bleaker, to the extent that nothing short of a divine miracle can salvage such a colossal disaster - and Allāh indeed knows best.

- Being good to the *Mujāhidīn* under one's command

The discussion of this specifically has preceded and is a general theme throughout this work, thus there is little need to elaborate in detail here. Rather, Allāh's words are sufficient as a reminder, by His permission. He ﷺ said in *Sūrah al-Hajj* (22:78):

﴿هُوَ أَجَّبَكُمْ وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ﴾

***He has chosen you and has not placed upon you in the religion any difficulty.***

He ﷺ also says in *Sūrah al-Baqarah* (2:185):

﴿يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ﴾

***Allāh intends for you ease and does not intend for you hardship***

Likewise, the Prophet ﷺ said in a *Hadīth* recorded in *Šaḥīḥ al-Bukhārī: The Book of Knowledge* (69):

يَسِّرُوا وَلَا تُعَسِّرُوا

“*Make matters easy and do not make them difficult.*”

The leader must therefore not oppose Allāh's command, and make matters unnecessarily difficult upon those with him, lest Allāh ﷺ deals with him in the same fashion. As this will, no doubt, cause him to be unsuccessful in both this life as well as the next, as one reaps what he sows<sup>138</sup> - and we seek Allāh's pardon.

- The command to fight only in the Cause of Allāh

In *Mashāri' al-Ashwāq* (p.593), ibn an-Nuḥḥās رَجُلُ اللَّهِ تَعَالَى اَنْعَمَهُ الْمُؤْمِنُونَ entitled his chapter, 'A Clarification that the Reward for Jihād only Transpires when one's Intention is Correct,' and then mentioned the noble verses:

﴿أَلَا يَعْلَمُ الَّذِينَ أَخْرَصُوا﴾

*Unquestionably, for Allāh is the pure religion.*<sup>139</sup>

And:

﴿وَمَا أَمْرُوا إِلَّا يَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الْدِينَ﴾

*And they were not commanded except to worship Allāh, [being] sincere to Him in religion*<sup>140</sup>

And the *Hadīth*:

إِنَّمَا الْأَعْمَالُ بِالنِّتَّةِ، وَإِنَّمَا لِمَرِئِي مَا نَوَى

"The (reward of) deeds depend upon the intentions, and every person will get the reward according to what he has intended..."<sup>141</sup>

<sup>138</sup> This is in reference to the Arabic principle (الجزاء من جنس العمل)

<sup>139</sup> *Sūrah az-Zumar* (39):3

<sup>140</sup> *Sūrah al-Bayyinah* (98):5

<sup>141</sup> *Ṣaḥīḥ al-Bukhārī* (1), *Ṣaḥīḥ Muslim* (1907), *Sunan Abī Dāwūd* (2201), *al-Jāmi' at-Tirmidhī* (1647), *Sunan an-Nasā'ī* (75), *Sunan ibn Mājah* (4227), and *Musnad Ahmad* (168)

So, as has been mentioned, in order for one to be considered as having fought in the Cause of Allāh ﷺ, one must fight so that the Word of Allāh is the uppermost, *and [until] the religion [i.e., worship], all of it, is for Allāh*.<sup>142</sup> This reason for fighting is so crucial, that Allāh even commands the believers to fight in His Cause when they are under attack, and are fighting to defend themselves from an assailing enemy, saying:

﴿وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعَنُّو﴾

***Fight in the Cause of Allāh those who fight you but do not transgress.***<sup>143</sup>

The Prophet ﷺ also explained, after being asked about *Jihād* and expeditions by ‘Abdullāh ibn ‘Amr رَضِيَ اللَّهُ تَعَالَى عَنْهُ, in a *Hadīth* recorded in *Sunan Abī Dāwūd: The Book of Jihād* (2519):

إِنْ قَاتَلْتَ صَابِرًا مُحْتَسِبًا، بَعْثَكَ اللَّهُ صَابِرًا مُحْتَسِبًا، وَإِنْ قَاتَلْتَ مُرَأَيَّا مُكَاثِرًا  
بَعْثَكَ اللَّهُ مُرَأَيَّا مُكَاثِرًا، يَا عَبْدَ اللَّهِ بْنَ عَمْرِو، عَلَى أَيِّ حَالٍ قَاتَلْتَ، أَوْ قُتِلْتَ  
بَعْثَكَ اللَّهُ عَلَى تِلْكَ الْحَالِ

“*If you fight whilst being patient and hoping for Allāh’s Reward, Allāh will resurrect you patient and hoping for His Reward. While if you fight whilst showing off and conceitedly, Allāh will resurrect you showing off and conceited. O ‘Abdullāh ibn ‘Amr, upon whichever state you fight, or are killed, Allāh will resurrect you.*”<sup>144</sup>

Thus, in order to not die a death of *Jāhiliyyah*,<sup>145</sup> or be raised doing the actions of the people of *Jāhiliyyah*, the believer must ensure that his

<sup>142</sup> *Sūrah al-Anfāl* (8):39

<sup>143</sup> *Sūrah al-Baqarah* (2):190

<sup>144</sup> In ‘Awn al-*Ma’būd* it states, “Al-Mundhirī was silent about the *Hadīth* (i.e. he did not criticise it).” Al-Albānī however considered it *Da’īf* (weak)

<sup>145</sup> Dying a death of *Jāhiliyyah*, as it is mentioned in a number of *Aḥādīth*, does not always denote that the person is guilty of a nullifier of Islām, and therefore dies as a

fighting is performed strictly for the sake of Allāh alone, and in accordance with the *Sunnah* of His Messenger ﷺ. For indeed, Allāh commands the believers:

﴿فُلِّ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ ۖ لَا شَرِيكَ لَهُ ۚ وَبِنَذِلَكَ أُمِرْتُ﴾

*Say, “Indeed, my prayer, my rites of sacrifice, my living and my dying are for Allāh, Lord of the worlds. No partner has He. And this I have been commanded.*<sup>146</sup>

- Those who should be fought, and the reason for fighting them

Allāh ﷺ legislated *Jihād* for the purposes of defending *Tawhīd* and eradicating disbelief, and as a result, those who disbelieve and are capable of fighting are permissible targets. This is evident from the words of the Prophet ﷺ, “*Fight those who disbelieve in Allāh.*”

It is also evident in the noble verse in *Sūrah al-Baqarah* (2:193) wherein Allāh ﷺ says:

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disbeliever. Such as in the *Hadīth* recorded in *Ṣaḥīḥ al-Bukhārī* (7053), wherein the Prophet ﷺ said:

مَنْ كَرِهَ مِنْ أَمِيرِهِ شَيْئاً فَلْيَصْبِرْ، فَإِنَّهُ مَنْ خَرَجَ مِنَ السُّلْطَانِ شَيْئاً مَاتَ مِيتَةً جَاهِلِيَّةً

“Whoever witnesses something they dislike from their leader should be patient, for if he exits from the leader’s obedience by as much as a hand span and then dies, he dies a death of *Jāhiliyyah*.”

Ibn Ḥajar al-‘Asqalānī said in his commentary on the *Hadīth* in *Fath*, “The intended meaning of the ‘death of *Jāhiliyyah*,’ is the circumstances of death is like that of the death of the people of upon misguidance and without having an *Imām* that they obeyed; as they did not have any knowledge of that. However, it does not mean that he dies as a disbeliever, rather he dies as a sinner.”

Rather, the act in question needs to be examined - if it is a nullifier of Islām, then the person dies as a disbeliever. However, if the deed is less than disbelief, then the person dies as a sinner as at the mercy of Allāh - if He wills, He can forgive him; and if He wills, He can punish him - and we seek Allah’s refuge from his displeasure.

<sup>146</sup> *Sūrah al-An’ām* (6):162

﴿وَقَاتِلُوهُمْ حَتَّىٰ لَا تَكُونَ فِتْنَةٌ وَّيَكُونَ الَّذِينَ لِلَّهِ فِي إِنْتَهَاهُوْ فَلَا عُدُونَ إِلَّا عَلَىٰ﴾

أَطْلَامِينَ

*Fight them until there is no [more] Fitnah and [until] religion [i.e., worship] is [acknowledged to be] for Allāh. But if they cease, then there is to be no aggression except against the oppressors.*

Ibn Kathīr رَحْمَةُ اللَّهِ رَحْمَةُ اللَّهِ and others, say the meaning of the word *Fitnah* in this verse is *Shirk* (i.e. associating partners with Allāh). He also says in his *Tafsīr* of the verse, that the meaning of Allāh's Words, *But if they cease, then there is to be no aggression [i.e., assault] except against the oppressors*, if they abandon their oppression, which is *Shirk* in this case, then do not initiate aggression against them afterwards. The aggression here means retaliating and fighting them.”

The *Hadīth* recorded in the Nine books, except *al-Muwatta'*,<sup>147</sup> and others, also makes clear the principle reason for fighting people is their disbelief, and not merely their aggression against the Muslims. In it, the Prophet ﷺ said:

أُمِرْتُ أَنْ أُفَاتِلَ النَّاسَ حَتَّىٰ يَشْهَدُوا أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ،  
وَيُبَيِّنُوا الصَّلَاةَ، وَيُؤْتُوا الزَّكَةَ، فَإِذَا فَعَلُوا ذَلِكَ عَصَمُوا مِنِّي دِمَاءُهُمْ وَأَمْوَالُهُمْ  
إِلَّا بِحَقِّ الْإِسْلَامِ، وَجِسَابُهُمْ عَلَى اللَّهِ

“I have been ordered to fight the people until they testify that there is no deity worthy of worship except Allāh, and that Muḥammad is the Messenger of Allāh, establish the prayer and pay the Zakāh. If they do that, then their blood and wealth will be protected from me, except in

<sup>147</sup> Meaning, *Ṣaḥīḥ al-Bukhārī* (25), *Ṣaḥīḥ Muslim* (22), *Sunan Abī Dāwūd* (1556), *Sunan at-Tirmidhī* (2606), *Sunan an-Nasā'ī* (2443), *Sunan ibn Mājah* (71), *Sunan ad-Dārimī* (2490), and *Musnad Aḥmad* (5114). The wording is al-Bukhārī's

accordance with the rights of Islām, and their reckoning will be with Allāh.”

It is thus clear, that disbelief permits the blood and wealth of the disbelievers. However, as per Allāh’s command, their aggression towards Islām and the Muslims makes fighting them *Wājib*. He ordered the believers:

﴿وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ﴾

***Fight in the way of Allāh those who fight you.*** <sup>148</sup>

Aside from the disbelievers, or to be more specific, those disbelievers raised upon nothing but disbelief, the *Shari’ah* obliges two additional categories of people be fought: They are apostates and the *Bughāh* (i.e. those who rebel against the legitimate ruler and authority). They are fought if they resist the authority of the Islamic state, with the apostates being fought until they return to Islām, and the *Bughāh* are fought until they desist from their transgression and submit to the rule of Allāh. The descriptions and rulings regarding these groups will not be detailed here, as they are present in the tenth, eleventh, and twelfth chapters of *Fiqh of Jihād: Understanding the Obligation*.<sup>149</sup>

- The necessity of calling the disbelievers towards Islām before fighting them

In light of the words of the Prophet ﷺ, “*Invite them to (accept) Islām*,” the majority of scholars hold it is *Wājib* to call the disbelievers to Islām before launching any offensive operations against them. However, they hold that it is *Mustahab* (recommended), but not *Wājib*, to do so if they have already heard the message of Islām and rejected it.<sup>150</sup>

<sup>148</sup> *Sūrah al-Baqarah* (2):190

<sup>149</sup> The second, and complete, edition (2020) can be downloaded [here](#)

<sup>150</sup> Refer to an-Nawawī’s commentary on *Hadīth* 1730 in his commentary on *Sahīh Muslim*

In the case of defensive *Jihād*, like today, wherein the disbelievers have attacked the Muslims, there is nothing in the Qur'ān or *Sunnah* to suggest Muslims owe any obligation towards the assailing disbelievers other than the sword. In such situations, *Jihād* is *Fard 'Ayn*, as does not have any conditions restricting its enactment. *Shaykh al-Islām* ibn Taymiyyah الشَّافِعِيُّ rules in *Fatāwā al-Kubrā* (5/538), “It is *Wājib* according to the consensus, and there is nothing more obligatory after believing (in Allāh) than repelling the assailing enemy who spoils both the religious and worldly affairs. There are no conditions restricting it, rather each person is required to participate according to his capability.” For those who still entertain the idea that the Muslims just need to explain the true nature of Islām to the disbelievers, and they will stop slaughtering Muslims. Another point that merits consideration is that the disbelievers are waging war against the Muslims precisely because they know the true message of Islām, and rather than wait for the three choices - Islām, *Jizyah*, or the sword - they have pre-emptively attacked, in the hope they can finish off the Muslims before the latter awake from their protracted slumber!

- The necessity of accepting the *Jizyah* from the disbelievers, if they demand a contract of *Dhimmah*

As indicated in the words of the Prophet ﷺ, “*If they agree to pay (the Jizyah), accept it from them and withhold your hands,*” if those eligible from the disbelievers do not wish to embrace Islām, but agree to pay the *Jizyah*, they must be afforded a contract of *Dhimmah*. This protects their blood, wealth, and women, for as long as they adhere to the terms of the treaty, detailed in the works of *Fiqh*.<sup>151</sup>

Allāh ﷺ says about them in *Sūrah at-Tawbah* (9:29):

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<sup>151</sup> Refer to ibn Qayyim's *Aḥkām Ahl adh-Dhimmah*, and ad-Dimyāṭī's work by the same name for detail of the rulings surrounding the *Jizyah* and *Ahl adh-Dhimmah*

﴿قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ حَتَّىٰ يُعْطُوا الْجِزْيَةَ عَنْ يَدِهِمْ صَلَغُرُونَ﴾ ٦٩

*Fight those who do not believe in Allāh or in the Last Day and who do not consider unlawful what Allāh and His Messenger have made unlawful and who do not adopt the religion of truth [i.e., Islām] from those who were given the Scripture - [fight] until they give the Jizyah willingly while they are humbled.*

According to the majority of *Fuqahā'* (jurists), the *Jizyah* (i.e. the payment) is not be taken from women, children, insane, elderly, slaves, and the poor from amongst the disbelievers.

- The prohibition on *Ghulūl*, breaking pledges and covenants, mutilating the enemy, and killing the young

*Ghulūl* is to steal from the *Ghanīmah* prior to its division, and is prohibited in *Sūrah Al 'Imrān* (3:161), numerous authentic *Aḥādīth*, and according to consensus.<sup>152</sup> Allāh ﷺ says regarding it:

﴿وَمَا كَانَ لِنَبِيٍّ أَنْ يَعْلَمُ وَمَنْ يَغْلِبْ يَأْتِ بِمَا غَلَبَ يَوْمَ الْقِيَامَةِ﴾

*It is not [attributable] to any prophet that he would act unfaithfully [concerning the *Ghanīmah*]. And whoever betrays, [taking unlawfully], will come with what he took on the Day of Resurrection.*

<sup>152</sup> Refer to *Masā'il al-Ijmā' fī Abwāb al-Jihād* (p.213), wherein scholars such as an-Nawawī, ibn 'Abd al-Barr, ibn Ḥazm, and Qādī 'Iyyād رحمه اللہ are recorded as conveying the consensus on the prohibition of *Ghulūl*.

Mutilation is the deliberate damaging or disfigurement, especially by removing parts of the body of the captive, and is performed whether the disbeliever is living or dead, and is *Harām* by consensus according to scholars such as ibn ‘Abd al-Barr, al-Qurtubī, an-Nawawī, an as-Šan’ānī رَجَهُمُ اللَّهُ عَزَّوَجَلَّ عَنْهُمْ. <sup>153</sup>

Evidence for its prohibition is evident in *Sunan Abī Dāwūd: The Book of Jihād* (2667) wherein Samurah ibn Jundub and ‘Imrān ibn Ḥuṣayn both narrated:

كَانَ نَبِيُّ اللَّهِ عَزَّوَجَلَّ يَحْثُثُنَا عَلَى الصَّدَقَةِ، وَيَنْهَانَا عَنِ الْمُثْلَةِ

“The Prophet of Allāh ﷺ used to encourage us to give charity and prohibit us from mutilation.”

However, not included in the prohibition is that which is done as *Qisās* (i.e. legal retaliation), such as when the disbelievers have mutilated captured or dead believers previously, or that which transpires during combat.

- What the disbelievers are to be called to

As is evident throughout the texts of the *Sharī’ah*, *Jihād* is not a goal in-and-of itself, rather it is a means to establish Allāh’s religion and its authority on the ground. Eradicating *Shirk*, and specifically its authority, is then a necessary step in achieving the above. However, if these noble and divine objectives can be reached through means other than fighting and bloodshed, such peaceful means are given precedence by Allāh ﷺ out of His infinite and prevailing Mercy for His creation. Indeed, the believer does not fight due to personal motives, or out of a personal dislike for a people based on race, colour, ethnicity, culture, or class, rather he fights out of a love for Allāh ﷺ, and to see His Word the uppermost, and/or in defence of the above.

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<sup>153</sup> Refer to *Masā’il al-Ijmā’ fī Abwāb al-Jihād* (pp.102-105)

Accordingly, the Prophet ﷺ instructed the believers to call the disbelievers to Islām before attacking them. In *Ṣaḥīḥ Muslim: The Book of the Merits of the Companions* (2406), the Prophet ﷺ handed the banner to ‘Alī ibn Abī Ṭālib رَضِيَ اللَّهُ عَنْهُ before the battle of Khaybar. ‘Alī then asked him ﷺ, “Should I fight them until they are like us (i.e. until they become Muslims)?” The Prophet ﷺ replied:

اَنْفُذُ عَلَى رِسْلِكَ، حَتَّى تَنْزِلَ بِسَاحَتِهِمْ، ثُمَّ ادْعُهُمْ إِلَى الْإِسْلَامِ، وَأَخْبِرْهُمْ بِمَا يَحْبُبُ عَلَيْهِمْ مِنْ حَقِّ اللَّهِ فِيهِ، فَوَاللَّهِ لَأَنْ يَهْدِيَ اللَّهُ بِكَ رَجُلًا وَاحِدًا خَيْرًا لَكَ مِنْ أَنْ يَكُونَ لَكَ حُمُرُ النَّعْمَ

“Advance cautiously until you reach their open place, and then call them to Islām, explaining what is obligatory upon them from the Rights of Allāh. For by Allāh, if Allāh should guide one person through you, it is better for you than red camels (i.e. the most prized wealth of this life).”

Thus, if the aims of *Jihād* can be secured without unnecessary bloodshed, this should be given priority, in accordance with the *Sunnah* of the Messenger of Allāh ﷺ.

However, if the disbelievers refuse to embrace Islām, “*demand from them the Jizyah*,” which entails their submission to, and recognition of the authority of Islām to govern the creation’s affairs. It is hoped through this, meaning the act of them becoming *Ahl adh-Dhimmah*, they will have the chance to reconsider their choice of religion. This is after witnessing first-hand the Truth and justice of Islām, and its evident superiority over their corrupt and unjust faiths. In addition to having to undergo the humiliation the *Jizyah* imposes upon them, while “*If they refuse to pay the Jizyah, seek Allāh’s Help and fight them*.”

- The permissibility of besieging the disbelievers

This *Hadīth* is also evidence of the permissibility of besieging

the disbelievers in their fortresses, towns, and cities. In fact, Allāh ﷺ orders the believers to do so in the *Verse of the Sword* (9:5), indicating the believers should adopt such tactics in their *Jihād* against the enemies of Allāh. He ﷺ says:

فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدُوكُمْ وَخُذُوهُمْ وَاحْصُرُوهُمْ وَاقْعُدُوهُمْ كُلَّ مَرَضَدٍ

*kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush.*

The Prophet ﷺ directed a numerous sieges throughout his *Jihād*, such as those of Banī Qaynuqā', Banī Naḍīr, Banī Quraydhah, Khaybar, and at-Tā'if. Along with the permission to conduct such operations, is also the permissibility of cutting off, and destroying the disbelievers' food and water supplies. The employment of siege weapons, such as the catapult, or its modern-day equivalents, is also permissible. This is despite the possibility of inadvertently hitting the disbelievers' non-combatants (i.e. their women, children, and elderly), and/or human shields during combat.<sup>154</sup>

- The method of conducting treaties and covenants

The details and ruling of treaties and covenants will not be mentioned here, however, as the Prophet ﷺ mentioned: “*When you lay siege to a fort and the besieged appeal to you for Allāh's and His Prophet's guarantee, do not grant it to them rather grant them your own guarantee and the guarantee of your companions. For it is a lesser sin that the security given by you or your companions be violated than that the security granted in the name of Allāh and His Prophet. When you*

<sup>154</sup> All of the above are permissible according to *Ijmā'*. Refer to *Masā'il al-Ijmā' fi Abwāb al-Jihād* (pp.87-95, and pgs.106&107). Refer to *Fiqh of Jihād: Understanding the Obligation* (pp.233-238) for details on the rulings concerning human shields

*besiege a fort and the besieged agree to come out according to Allāh's Command, do not accept that, but do so at your (own) command, for you do not know whether or not you will judge according to Allāh's Command (i.e. that which Allāh loves) with regards to them."*

This is because if one conducts a treaty or covenant, or passes judgement in the name of Allāh, there is always the possibility of human error. However, Allāh is far from being susceptible to error, and He likewise decreed His Messenger ﷺ be protected from error concerning matters of the religion. Thus, if a person is mistaken, but ascribes his mistake (even if he thinks himself correct) to Allāh or to His Messenger ﷺ, he is committing a great injustice - and may Allāh save us from that. Moreover, if one conducts a treaty or covenant, it should not be in Allāh's name, lest any breach or treachery takes place from the side of the Muslims, and the enemy concludes that Islām is a religion that permits, or even encourages, such contemptible behaviour. Or worse yet - and we seek Allāh's refuge - they believe that the Promise, of Covenant of Allāh is something that may be broken, or that Allāh is unable to accomplish His Will, whereas:

﴿إِنَّ اللَّهَ لَا يُخْلِفُ الْمِيعَادَ﴾

*Indeed, Allāh does not fail in His promise.*<sup>155</sup>

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<sup>155</sup> *Sūrah Āl 'Imrān* (3):9

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## WAR IS DECEPTION: THE WARNING AGAINST FALLING VICTIM TO (THE ENEMY'S) DECEPTION, AND THE TYPE OF LYING THAT IS COMMENDED

عن جَابِرٍ، يَقُولُ: قَالَ رَسُولُ اللَّهِ عَلَيْهِ وَسَلَّمَ: «الْحَرْبُ خَدْعَةٌ»

**Hadīth 37:** Jābir ibn ‘Abdullāh رَضِيَ اللَّهُ عَنْهُ narrated that the Messenger of Allāh ﷺ said, “Warfare is deception.”<sup>156</sup>

عَنْ جَابِرٍ عَنِ النَّبِيِّ عَلَيْهِ وَسَلَّمَ، قَالَ: «مَنْ لِكَعْبِ بْنِ الْأَشْرَفِ»، فَقَالَ مُحَمَّدُ بْنُ مَسْلَمَةَ أَتُحِبُّ أَنْ أَقْتَلَهُ؟ قَالَ: «نَعَمْ»، قَالَ: فَأَذْنُ لِي، فَأَقُولُ قَالَ: «قَدْ فَعَلْتُ»

**Hadīth 38:** Jābir ibn ‘Abdullāh رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “Who will take care of Ka'b ibn al-Ashraf?” So Muhammād ibn Maslamah said, “Would you like that I should kill him?” He ﷺ replied, “Yes.” Muhammād ibn Maslamah said, “Then permit me so that I may say (i.e. lie to Ka'b).” He ﷺ said, “Indeed I have already permitted you.”<sup>157</sup>

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: «لَا يُلْدَغُ الْمُؤْمِنُ مِنْ جُحْرٍ وَاحِدٍ مَرَّتَيْنِ»

<sup>156</sup> *Šaḥīḥ al-Bukhārī* (3030), *Šaḥīḥ Muslim* (1739), *Sunan Abī Dāwūd* (2636), *al-Jāmi' at-Tirmidhī* (1675), and *Musnād Aḥmad* (14177)

<sup>157</sup> *Šaḥīḥ al-Bukhārī* (3032), *Šaḥīḥ Muslim* (1801), and *Sunan Abī Dāwūd* (2768)

***Hadīth 39:*** Abū Hurayrah رَجُلَ اللَّهِ عَنْهُ narrated that the Prophet ﷺ said, “*The believer is not stung from the same hole twice.*”<sup>158</sup>

عَنْ كَعْبِ بْنِ مَالِكٍ قَالَ: لَمْ يَكُنْ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ يُرِيدُ غَرْوَةً إِلَّا وَرَى بِغَيْرِهَا»

***Hadīth 40:*** Ka'b ibn Mālik رَجُلَ اللَّهِ عَنْهُ narrated that the Prophet ﷺ never intended to go out on an expedition, except that he gave the impression (he was heading) elsewhere.<sup>159</sup>

**Commentary:** In *Fath al-Bārī* ibn Ḥajar al-‘Asqalānī رَجُلَ اللَّهِ عَنْهُ said, commenting on the chapter, *War is deception*, in the *Book of Jihād*, *Ṣaḥīḥ al-Bukhārī*, “The basis of ‘deception’ is to indicate one thing while hiding another. Contained within (the above *Hadīth*) is the encouragement to take precautionary measures during warfare, and the recommendation to deceive the disbelievers. In addition, the one who is not proficient in it (i.e. the art of deception) is not safe from himself being deceived (by his enemy).” Ibn Ḥajar, later in the same discussion, quotes ibn al-‘Arabī رَجُلَ اللَّهِ عَنْهُ as saying, “Deception in war involves displaying one thing while hiding another, (preparing) ambushes and traps, and their likes.”

An-Nawawī رَجُلَ اللَّهِ عَنْهُ said in *al-Minhāj*, commenting on *Hadīth* (1739), “The scholars have a consensus upon the permissibility of deceiving the disbelievers during war in any way (the believer) is able to do so, unless it involves violating a treaty or covenant.”

In *Kashshāf al-Qinā'* (3/65)<sup>160</sup> al-Bahūtī رَجُلَ اللَّهِ عَنْهُ states, “It is upon the commander of the army to conceal whatever he is able to of his affairs; and if he intends to attack (an enemy) he should indicate otherwise, and

<sup>158</sup> *Ṣaḥīḥ al-Bukhārī* (6133), *Ṣaḥīḥ Muslim* (2998), *Sunan Abī Dāwūd* (4862), *Sunan ibn Mājah* (3982), *Sunan ad-Dārimī* (2823), and *Musnad Aḥmad* (8928)

<sup>159</sup> *Ṣaḥīḥ al-Bukhārī* (2947), *Sunan ad-Dārimī* (2494), and *Musnad Aḥmad* (15782)

<sup>160</sup> *Kashshāf al-Qinā'* ‘an Matan al-‘Iqnā’, Dar al-Kotob Al-ilmiyah, Beirut

the evidence for this is his actions as is recorded in the two *Sahīh*'s from Jābir رَجُلَ اللَّهِ عَنْهُ: 'War is deception.'<sup>161</sup>

Accordingly, the military leader must be proficient of the art of deception for two reasons; firstly, to deceive the enemy as to his true intentions and disposition, and secondly, so as to not fall victim to the enemy's deception. The commander ignorant of this art, and mainstay of warfare, is not fit to assume any responsibility over military affairs. Likewise is the commander who, while aware of the prophetic *Sunnah* regarding deception in warfare, nevertheless disregards it in practice, is also not fit to assume authority over *Jihādī* affairs.

Allāh ﷺ demonstrated such concern over the issue, that he permitted the performance of an act alien to the character of the sincere believer in Allāh and the Last Day - lying. Indeed, the Prophet ﷺ emphasised the enormity of this act, saying:

وَإِنَّ الْكَذِبَ يَهْدِي إِلَى الْفُجُورِ، وَإِنَّ الْفُجُورَ يَهْدِي إِلَى النَّارِ، وَإِنَّ الرَّجُلَ لَيَكْذِبُ حَتَّى يُكْتَبَ كَذَّابًا

"And lying leads to wickedness and wickedness most certainly leads to the Fire, and indeed a man will continue telling lies until he is written down (by Allāh) as being a liar (i.e. this is how he will henceforth be referred to and judged)." <sup>161</sup>

However, in the confines of war, deception and lying are not only permissible, but are regarded as being from the best of strategies leading to victory and Allāh's Pleasure. That is, unless they lead to breaking covenants and treaties on the part of the believers. Their permissibility is evident in the following *Hadīth* recorded in *Sahīh Muslim* (2605) wherein az-Zuhrī رَجُلَ اللَّهِ عَنْهُ said:

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<sup>161</sup> *Sahīh al-Bukhārī* (6094), *Sahīh Muslim* (2607), *Sunan Abī Dāwūd* (4989), *Sunan at-Tirmidhī* (1971), *Sunan ibn Mājah* (46), *Muwaṭṭa'* (2828), *Sunan ad-Dārimī* (2757), and *Musnad Aḥmad* (3638)

قال ابن شهاب: ولم أسمع يرخص في شيء مما يقول الناس كذب إلا في ثلاثة: الحرب،

“I have not heard any concessions regarding anything the people say of lies, except in three cases: (the first of which being) War...”<sup>162</sup>

Scholars however differ as to the extent of the ‘lying’ mentioned in the *Hadīth*. Some consider it only applies to *Tawriyyah*, which means to speak in a such a way that the one being spoken to understands one thing, but the speaker intends another, without actually saying something untrue. An example of this was, when the Prophet ﷺ and Abū Bakr رضي الله عنه were conducting reconnaissance prior to the battle of Badr. They came across a Bedouin who agreed to share with them information regarding the movements of the Quraysh, on the condition that the Prophet ﷺ told him where he was from. Upon the man informing the Prophet ﷺ what he knew about the Quraysh, the Prophet ﷺ, in fulfilling his side of the bargain, informed the man they were from *Mā'*.<sup>163</sup> The man then was left wondering if they were really from the area *Mā'*, in Iraq, or if they meant something else. However, the Prophet ﷺ intended that they were from (i.e. created from) *Mā'*, as Allāh ﷺ said in *Sūrah al-Anbiyā'* (21:30):

﴿أَوَلَمْ يَرَ الَّذِينَ كَفَرُوا أَنَّ الْسَّمَوَاتِ وَالْأَرْضَ كَانَتَا رَتْقًا فَفَتَّقْنَاهُمَا ۚ وَجَعَلْنَا مِنَ الْمَاءِ كُلَّ شَيْءٍ حَيًّا أَفَلَا يُؤْمِنُونَ ۚ﴾

<sup>162</sup> In *Sunan Abī Dāwūd* (4921) Umm Kulthum bint ‘Uqbah رضي الله عنه narrated the Prophet ﷺ said:

لَا أَعُدُّهُ كاذبًا، الرَّجُلُ يُصلِحُ بَيْنَ النَّاسِ، يَقُولُ: الْقَوْلُ وَلَا يُرِيدُ بِهِ إِلَّا إِصْلَاحٌ، وَالرَّجُلُ يَقُولُ: فِي الْحَرْبِ، وَالرَّجُلُ يُحَدِّثُ امْرَأَتَهُ، وَالمرْأَةُ تُحَدِّثُ زَوْجَهَا

“I do not consider as a liar the man who reconciles between people; he does not do so except intending reconciliation; a man who (lies) in war; and the man speaking to his wife, and the wife speaking to her husband.”

<sup>163</sup> The Arabic word *Mā'* (الماء) means water. Refer to as-Sallābī's *The Life of the Noble Prophet* ﷺ (pgs.955&956) and the books of *Sīrah* for details of the incident

***Have those who disbelieved not considered that the heavens and the earth were a joined entity, and We separated them and made from water every living thing? Then will they not believe?***

Others scholars consider actual lying permissible due to the explicit and apparent wording of the *Hadīth*. An-Nawawī رَحْمَةُ اللَّهِ تَعَالَى يَعْلَمُ explains in *al-Minhāj*, ‘At-Tabarī رَحْمَةُ اللَّهِ تَعَالَى يَعْلَمُ said, ‘the only lie permissible in war is to indicate one thing while intending another, and not actual lying, for that is not permitted.’ However, according to that which is apparent, actual lying is permitted, although if one is able to practice (the above) then it is better, and Allāh knows best.”

The narration describing the assassination of Ka’b in al-Ashraf, wherein Muḥammad ibn Maslamah رَحْمَةُ اللَّهِ تَعَالَى يَعْلَمُ sought the Prophet’s permission ﷺ to lie to Ka’b in order to gain his trust, and ultimately assassinate him supports this position. A number of scholars consider that, under normal circumstances, the implications of Muḥammad ibn Maslamah’s رَحْمَةُ اللَّهِ تَعَالَى يَعْلَمُ conversation with Ka’b amounted to words of disbelief. Nevertheless, the Prophet ﷺ permitted him to utter such words due to the overriding benefit contained in his *Jihādī* mission.

However, before the believer embarks upon any, usually impermissible, actions whilst waging *Jihād*, he must seek a *Fatwā* from a trusted scholar(s). Especially if he does not have certain knowledge (*Yaqīn*) of the existence of a legitimate concession in the circumstances in which he finds himself.

The Messenger of Allāh ﷺ would employ deception in numerous ways, with the *Ṣīrah*, and in particular the *Ghazawāt* (i.e. works detailing the battles of the Prophet ﷺ), illustrating many such examples. As the *Hadīth* of Ka’b ibn Mālik رَحْمَةُ اللَّهِ تَعَالَى يَعْلَمُ indicates, the Prophet ﷺ would not plan an expedition, except that he gave the impression that he was intending to march in a completely different direction. He ﷺ did this by inquiring about, and/or by sending reconnaissance or small combat units in the direction of his decoy target, as he did with

the unit of Abū Qatādah ibn Rib'ī رَجُلَيْلَةِ عَنْهُ prior to the conquest of Makkah.<sup>164</sup> Alternatively, he would traverse indirect routes to his objective, and deploy means to conceal his tracks in order to confuse anyone who sought to track his movements, as did upon his *Hijrah* from Makkah to al-Madīnah. He would also impose news blackouts prior to operations, as he did, again, prior to the conquest of Makkah. It was also his common practice to travel by nights, or by little-known routes in order to avoid detection. As he ﷺ did prior to the battles of Uhud and al-Hudaybiyyah, when he selected a route to bypass Quraysh's blocking forces headed by Khālid ibn al-Walīd رَجُلَيْلَةِ عَنْهُ. In order to maintain operational security he would also dispatch units, instructing them to head in a particular direction, and then after a specified time period open a sealed letter containing their actual mission orders and objective, as he ﷺ did with the unit headed by 'Abdullāh ibn Jahsh رَجُلَيْلَةِ عَنْهُ. His Companions رَجُلَيْلَةِ عَنْهُ would likewise follow his *Sunnah* ﷺ, and employ deception in every way possible, except if it involved treachery, during their military campaigns and operations.

However, unlike during military operations, it is not permissible for those charged with conveying the pure message of Islām to employ deception, or lie, concerning matters of the religion. Rather, the message of Islām is to be conveyed clearly, without any alterations, distortions, or compromise, to those who enquire. Failure to do so, especially in the confines of *Jihād*, has led many groups to present a watered-down message to the public, in the hope that the international coalition would not oppose them. As a result, it is not long before their members and supports lose track of exactly what they are being asked to sacrifice life, wealth, and limb for. Thus their support wanes, or even worse, they change the entire trajectory of the movement into one that

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<sup>164</sup> The Prophet ﷺ sent this eight-man unit as a *Demonstration* operation towards Baṭn Iḍām which is on the road to *ash-Shām* (i.e. north), whereas Makkah lies to the south of al-Madīnah. It appears as though he ﷺ did this so people would be deceived into thinking the unit was forward reconnaissance, moving ahead to the main body of the Muslim army, and Allāh knows best. Refer to the books of *Sīrah* and *Maghāzī* for details of this deception operation.

may even oppose Islām! Accordingly, the *Mujāhid*, whilst not being unduly antagonistic or provocative to those not overtly aggressive towards Islām, must never forget the noble words of Allāh ﷺ:

﴿وَلَن تَرْضَى عَنْكَ الْيَهُودُ وَلَا النَّصَارَى حَتَّى تَتَّبَعَ مِلَّتَهُمْ قُلْ إِنَّ هُدَى اللَّهِ هُوَ أَهْدَى وَلَئِنْ اتَّبَعْتَ أَهْوَاءَهُمْ بَعْدَ الَّذِي جَاءَكَ مِنَ الْعِلْمِ مَا لَكَ مِنَ اللَّهِ مِنْ وَلِيٍّ وَلَا نَصِيرٌ﴾

*And never will the Jews and the Christians approve of you until you follow their religion. Say, “Indeed, the guidance of Allāh is the [only] guidance.” If you were to follow their desires after what has come to you of knowledge, you would have against Allāh no protector or helper.*<sup>165</sup>

And:

﴿وَلَا يَرْزَقُونَكُمْ حَتَّى يَرُدُّوْكُمْ عَنِ دِيْنِكُمْ إِنْ أَسْتَطَعُوْا وَمَنْ يَرْتَدِدْ مِنْكُمْ عَنِ دِيْنِهِ فَمِنْهُ مَنْ وُهُوكَ أَفَرُّ قَوْلَتِكَ حِيطَتْ أَعْمَالُهُمْ فِي الدُّنْيَا وَالْآخِرَةِ وَأَفْلَتِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ﴾

*And they will continue to fight you until they turn you back from your religion if they are able. And whoever of you reverts from his religion [to disbelief] and dies while he is a disbeliever - for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire; they will abide therein eternally.*<sup>166</sup>

The *Hadīth* narrated by Abū Hurayrah رَضِيَ اللَّهُ تَعَالَى عَنْهُ wherein the Prophet ﷺ remarked, “*The believer is not stung from the same hole twice*,” means,

<sup>165</sup> *Sūrah al-Baqarah* (2):120

<sup>166</sup> *Sūrah al-Baqarah* (2):217

according to al-Khaṭṭābī رَجَحَهُ اللَّهُ, that the believer must take every measure at his disposal to ensure he is not deceived by his enemy. He states in *Fath al-Bārī*, “The wording indicates a statement of fact, however it is an order. Meaning, the believer is prudent and takes every precaution to ensure he does not get deceived time after time due to negligence. This applies to matters of the religion just as it applies to matters concerning this life; nevertheless matters pertaining to the religion take precedence.” An-Nawawī, ibn Ḥajar, as-Sindī, and Ābādī رَجَحَهُ اللَّهُ all mention in their explanations of the *Hadīth*, the incident in which the Messenger of Allāh ﷺ uttered these words, was when he captured Abu'l-'Uzzah the poet.

He was captured on the day of Badr, but was freed by the Messenger of Allāh ﷺ, after he pled of poverty and his responsibility to his many dependants, on the condition that he would not harm the Muslims again. However, it was not long until he returned to comprising poetry speaking ill of the Muslims, and was captured again on the day of Uhud, wherein he attempted to make the same pleas. Upon this, the Prophet ﷺ responded, saying that he would not allow him to go back to Makkah so he could brag to the disbelievers about fooling Muḥammad, not once, but twice! Thus, the Messenger ﷺ uttered his words, “*The believer is not stung from the same hole twice*,” and then followed by promptly ordering his execution.

In the Qur'ān, there are numerous verses encouraging the believers to exercise caution in dealing with their enemies, such as in *Sūrah an-Nisā'* (4:71), wherein Allāh ﷺ says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا خُذُوا حِذْرَكُمْ فَإِنْفِرُوا ثُبَاتٍ أَوْ انْفِرُوا وَجْمِيعًا﴾

*O you who have believed, take your precaution and [either] go forth in companies or go forth all together.*

He ﷺ also says later in the same *Sūrah* (4:102):

﴿وَلَيَأْخُذُوا حِذْرَهُمْ وَأَسْلَحَتْهُمْ فَوَدَ الَّذِينَ كَفَرُوا لَوْ تَعْقِلُونَ عَنْ أَسْلَحَتِكُمْ وَأَمْتَعَتِكُمْ فَيَمْلُؤُنَ عَيْنَكُمْ مَيْلَةً وَحِدَةً﴾

*Let them take precaution and carry their arms. Those who disbelieve wish that you would neglect your weapons and your baggage so they could come down upon you in one [single] attack.*

He ﷺ tells the believers in *Sūrah at-Tawbah* (9:8), so they may be on guard, the nature of their disbelieving enemies, saying:

﴿كَيْفَ وَإِنْ يَظْهِرُوا عَيْنَكُمْ لَا يَرْقِبُوا فِي كُمْ إِلَّا وَلَا ذَمَّةً يُرْضُونَكُمْ بِأَفْوَاهِهِمْ وَتَابُوا قُلُوبُهُمْ وَأَكَثَرُهُمْ فَسِقُونَ﴾

*How [can there be a treaty] while, if they gain dominance over you, they do not observe concerning you any pact of kinship or covenant of protection? They satisfy you with their mouths, but their hearts refuse [compliance], and most of them are defiantly disobedient.*

While in *Sūrah al-Hujurāt* (49:6), Allāh ﷺ warns the believers from falling foul to the disbelievers' psychological warfare, propaganda, and misinformation campaigns, saying:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَاسِقٌ يُبَيِّنُ أَنْ تُصِيبُوا قَوْمًا بِجَهَلَةٍ فَصُبِّحُوا عَلَى مَا فَعَلْتُمْ نَذِيرٌ﴾

*O you who have believed, if there comes to you a disobedient one with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful.*

Accordingly, the believer is required to employ every possible measure to avoid falling victim to the plots of the disbelievers, apostates, and *Munāfiqīn*. Although, if for some unavoidable reason, the believer does, then it is from the perfection of his *Imān*, that he is not stung from the same hole a second time. As such, the inability to avoid falling into the traps of the disbelievers, time after time, is indicative of a deficiency in *Imān*, and a warning that one's *Jihād* is not being waged as it should be. As Allāh ﷺ has informed the believers:

وَالَّذِينَ جَاهَدُوا فِينَا لَهُمْ سُبْلَنَا

*And those who strive for Us - We will surely guide them to Our ways.*<sup>167</sup>

Lacking divine guidance, highlighted by the repeated occurrence of falling into the same mistakes and lacking the ability to avoid them, is a sure sign that the believer's *Jihād* is not being waged *in the Cause of Allāh*, and amendments are urgently required - and Allāh certainly knows best.

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<sup>167</sup> *Sūrah al-Ankabūt* (29):69

(25)

## DIVIDING THE ARMY INTO UNITS, AND EMPLOYING BANNERS, MOTTOES, AND INSIGNIA

عَنْ جَابِرٍ، يَرْفَعُهُ إِلَى النَّبِيِّ عَلَيْهِ السَّلَامُ أَنَّهُ «كَانَ لِوَاؤُهُ يَوْمَ دَخَلَ مَكَّةَ أَيْضًا»

**Hadīth 41:** Jābir narrated that the Prophet's banner was white on the day he entered (i.e. conquered) Makkah.<sup>168</sup>

عَنْ الْبَرَاءِ بْنِ عَازِبٍ يَسْأَلُهُ عَنْ رَأْيِهِ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ مَا هِيَ؟ فَقَالَ: «كَانَتْ سُوْدَاءً مُرْبَعَةً مِنْ نَمِرَةٍ»

**Hadīth 42:** Al-Barā' ibn 'Āzib narrated, after he was asked about the Messengers of Allāh's banner, that it was square, black, and made from *Namirah*.<sup>169,170</sup>

عَنْ إِيَّاسِ بْنِ سَلَمَةَ، عَنْ أَبِيهِ، قَالَ: غَرَوْنَا مَعَ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُ زَمَنَ النَّبِيِّ عَلَيْهِ السَّلَامُ فَكَانَ شِعَارُنَا: أَمْتَ أَمْتَ

**Hadīth 43:** Iyyās ibn Salalmah narrated that his father said, "We went out on an expedition with Abī Bakr in the lifetime of the Prophet and our war cry was, 'Kill, Kill!'"<sup>171</sup>

<sup>168</sup> *Sunan Abī Dāwūd* (2592), *al-Jāmi' at-Tirmidhī* (1679), *Sunan an-Nasā'ī* (2866), and *Sunan ibn Mājah* (2817)

<sup>169</sup> *Namirah* is a cloth that has white and black lines throughout it.

<sup>170</sup> *Sunan Abī Dāwūd* (2591), *al-Jāmi' at-Tirmidhī* (1680), and *Musnad Ahmad* (18627). Al-Albānī classified the narration as authentic, with the exception of the word 'square.'

<sup>171</sup> *Sunan Abī Dāwūd* (2596), *Sunan ibn Mājah* (2840), and *Musnad Ahmad* (16497)

عَنْ أَبْنَى عَبَّاسٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «خَيْرُ الصَّحَابَةِ أَرْبَعَةُ، وَخَيْرُ السَّرَايَا أَرْبَعُ مِائَةٍ، وَخَيْرُ الْجُيُوشِ أَرْبَعُةُ آلَافٍ، وَلَنْ يُغْلَبَ اثْنَا عَشَرَ الْفَأْ مِنْ قِلَّةٍ»

**Hadīth 44:** Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “The best (number of) companions are four, the best detachment is four-hundred, the best army is four-thousand, and twelve thousand will never be defeated due to a lack of numbers.”<sup>172</sup>

**Commentary:** As can be seen, the Prophet ﷺ, as was the custom of the day, would employ banners to rally the Muslims around in the heat of battle. They would often be the focal point of the enemy’s attacks and would serve as a moral Centre of Gravity (GOG) for the army - if the flag was upright, the fight would rage on. However, if one’s flag went down, it signified disorder, disarray, and defeat, thus the morale of fighters would begin to dissolve. Thus, whoever bore an army’s flag had to be from the bravest of fighters, as not only was he to be at the centre of the enemy’s attack, but by having to carry the flag, he would also be handicapped from fighting.

The armies and units in the era of the Prophet ﷺ would utilise various coloured flags during their battles and expeditions. There are likewise narrations that mention flags of future Muslim armies, such as the black flags that will reportedly emerge from *Khurāsān*.<sup>173</sup> Throughout the

<sup>172</sup> Sunan Abī Dāwūd (2611), al-Jāmi’ at-Tirmidhī (1555), Sunan ad-Dārimī (2482), and Musnad Aḥmad (2658). Abū Dāwūd said regarding the narration, “what is correct is that it is *Mursal*.” However, al-Albānī and others authenticated it.

<sup>173</sup> *Khurāsān* is a region comprising of most of present-day Afghanistan, north eastern Iran, all of Tajikistan, western Turkmenistan and Uzbekistan, and south-western Kyrgyzstan. In *Musnad Aḥmad* (22387) it is recorded with a *Da’īf* (weak) chain of narration, that the Prophet ﷺ said:

إِذَا رَأَيْتُمُ الرَّأْيَاتِ السُّوْدَ قَدْ جَاءَتْ مِنْ قِبْلِ خُرَاسَانَ، فَأَثْوَهَا؛ فَإِنَّ فِيهَا خَلِيفَةَ اللَّهِ الْمُهَدِّيَّ

“If you witness black banners coming from the direction of *Khurāsān*, then go to them, as indeed amongst them is Allāh’s Caliph, *al-Mahdī*.”

narrations, white and black are among the most commonly mentioned colours.

Flags also signify, and send a powerful message about those who ascribe themselves to them. Thus national, colonial area flags, and flags signifying anything other than *Tawhīd*, have no place in Islām. This can be understood from the words of the Prophet ﷺ when he said:

مَنْ قَاتَلَ تَحْتَ رَأْيَةً عَمِّيَّةً يَغْضَبُ لِعَصَبَةٍ، أَوْ يَدْعُو إِلَى عَصَبَةٍ، أَوْ يَنْصُرُ عَصَبَةً،  
فَقُتِلَ، فَقِتْلَةً جَاهِلِيَّةً

“Whoever fights beneath an unclear banner, being angered for (the sake of) his faction, calling to his faction, and (blindly) supporting his faction, and is killed, he dies a death of *Jāhiliyyah* (i.e. pre-Islamic ignorance).”<sup>174</sup>

This is not to mention the message that they send to both friend and foe, as is evident in the following incident. Dr. as-Şallābī narrates in *Ghazawāt ar-Rasūl* ﷺ (p.307)<sup>175</sup> that after Abū Sufyān رَضِيَ اللَّهُ عَنْهُ had embraced Islām on the eve of the Conquest of Makkah., the Prophet ﷺ instructed al-‘Abbās رَضِيَ اللَّهُ عَنْهُ to take him to a peak overlooking a mountain pass, so he could witness the Muslims forces passing by:

“Al-‘Abbās رَضِيَ اللَّهُ عَنْهُ did as the Prophet ﷺ instructed, and both he and Abū Sufyān رَضِيَ اللَّهُ عَنْهُ stood and watched as the Muslim army marched by them. Tribe after tribe passed by, each with its unique banner. Whenever a tribe passed by, Abū Sufyān رَضِيَ اللَّهُ عَنْهُ said, ‘O al-‘Abbās, who are they?’ In response to such a question, al-‘Abbās رَضِيَ اللَّهُ عَنْهُ said, ‘This is the Sulaym tribe.’ Abū Sufyān رَضِيَ اللَّهُ عَنْهُ retorted, ‘What do I have to do with the Sulaym tribe?’ In response to another such question, al-‘Abbās رَضِيَ اللَّهُ عَنْهُ said, ‘This is the Muzaynah tribe.’ Abū Sufyān رَضِيَ اللَّهُ عَنْهُ said, ‘What do I have to do with the Muzaynah tribe?’ Finally, when the Messenger

<sup>174</sup> *Sahīh Muslim* (1848). Similar narrations are in *Sunan an-Nasā’ī* (4115), *Sunan ibn Mājah* (3948), and *Musnad Ahmad* (7944)

<sup>175</sup> *Ghazawāt ar-Rasūl* ﷺ, (2015), al-Maktabah al-‘Aṣriyyah, Beirut

of Allāh ﷺ passed by with his *Katībah al-Khudrā'* (lit. the Green Battalion), which consisted of soldiers from the *Muhājirūn* and *Anṣār*, nothing visible from them except there cutting glares (i.e. their eyes). Abū Sufyān رضي الله عنه said, ‘Glory be to Allāh! O al-‘Abbās, who are these?’ Al-‘Abbās رضي الله عنه responded, ‘This is the Messenger of Allāh ﷺ among the *Muhājirūn* and *Anṣār*.’ Being completely in awe of them, Abū Sufyān رضي الله عنه said, ‘None has the might or strength to overcome these men!’ By Allāh, O Abu'l-Faḍl (i.e. al-‘Abbās), the kingdom of your nephew has this day become great indeed.’ Al-‘Abbās رضي الله عنه responded, ‘O Abū Sufyān, it is Prophethood (and not a worldly kingdom).’ ‘Yes, then it is that,’ said Abū Sufyān.”<sup>176</sup>

Thus, contrary to the opinions of some, the banner or flag that one carries and fights beneath does carry significance. If this were not the case, the Prophet ﷺ would not have been instructed to specifically mention them to his Companions رضي الله عنه, and assign them names, further demonstrating their importance - and Allāh ﷺ indeed knows best.

In the absence of flags on the modern battlefield due to tactical reasons, insignia, such as patches attached to the clothing or equipment may be used a replacement. This modern replacement can serve many of the same purposes as did the flags in the era of the Messenger ﷺ and his Companions رضي الله عنه, and Allāh knows best. However, off the battlefield, flags still have a place and significance in contemporary settings as they did in the past.

The Prophet ﷺ and Companions رضي الله عنه also used to employ battle cries that would be repeated in combat. For example, in the battle against Ḥawāzin they would say ‘*Amit, Amit*’ (die, die), and ‘O companions of *Sūrah al-Baqarah!*’<sup>177</sup> Abu Dāwūd رضي الله عنه narrates in his *Sunan* (2597) that the Prophet ﷺ said to the Companions رضي الله عنه:

<sup>176</sup> Refer to *Sahīḥ as-Sīrah an-Nabawiyah*

<sup>177</sup> Refer to the beginning of ibn Kathīr’s *Tafsīr* of *Sūrah al-Baqarah*. He also narrates the Companions also used this as battle cry during the battle of Yamāmah against the forces of Musaylamah ‘the great liar’ - may Allāh curse him.

إِنْ يُبَشِّرُونَ فَلَيَكُنْ شِعَارُكُمْ حَمْ لَا يُنْصَرُونَ

“If you raid (your enemies by night) let your battle cry be, ‘*Hā Mīm*, they will not be victorious!”<sup>178</sup>

It is also reported in *Sunan Abī Dāwūd* (2595), although the narration is classified as *Da’īf*, that the cry of the *Muhājirīn* was ‘*Abdullāh*, while the cry of the *Anṣār* was ‘*Abd ar-Rahmān*. Additionally, it is reported that the Muslims’ cry during the battle of Badr was *Aḥadun Aḥad* (i.e., Allāh is the One, the One).<sup>179</sup>

In ‘*Awn al-Ma’būd* it states that these words would be used by the believers to identify each other during night raids. This is supported by other narrations in *Sunan Abī Dāwūd* (2638) and *Musnad Aḥmad* (16498) regarding this battle that state it took place during the night. Alternatively, as in the case of ‘*Amit, Amit*,’ it may have been short for, ‘O Granter of victory (i.e. Allāh), kill our enemy!’

In addition to identification purposes, such mottos have a similar affect to that of flags and banners, by providing a common understanding and purpose to all those who utter them. They unify their carriers, giving a sense of belonging, boosting the moral of the believers when heard, not to mention striking terror into the heart of the enemy, and rallying previously scattered forces. For example, *Imām Muslim* رَحْمَةُ اللَّهِ reports in his *Sahīh* (1775) regarding the battle of Hunayn, wherein much of the Muslims’ forces scattered after falling prey to Hawāzin’s deadly ambush. Al-‘Abbās رَحْمَةُ اللَّهِ narrated:

شَهِدْتُ مَعَ رَسُولِ اللَّهِ عَلَيْهِ السَّلَامُ يَوْمَ حُنَيْنٍ، فَلَرِمْتُ أَنَا وَأَبُو سُفْيَانَ بْنَ الْحَارِثِ بْنِ عَبْدِ الْمُطَلِّبِ رَسُولَ اللَّهِ عَلَيْهِ السَّلَامُ فَلَمْ نُفَارِقْهُ، وَرَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ عَلَى بَعْلَةِ لَهُ يَيْضَاءَ أَهْدَاهَا لَهُ فَرَوْةُ بْنُ نُفَاثَةَ الْجُذَامِيُّ، فَلَمَّا تَقَىَ الْمُسْلِمُونَ وَالْكُفَّارُ وَلَيْ

<sup>178</sup> Also refer to *Sunan at-Tirmidhī* (1682) and *Musnad Aḥmad* (16615)

<sup>179</sup> Refer to Khaṭṭāb’s *Ghazwah Badr al-Kubrā*, First Edition (1990), Dār Qutaybah, Beirut, (p.31)

الْمُسْلِمُونَ مُدْبِرِينَ، فَطَفِقَ رَسُولُ اللَّهِ ﷺ يَرْكُضُ بَعْتَهُ قَبْلَ الْكُفَّارِ، قَالَ عَبَّاسٌ: وَإِنَا آخِذُ بِلِعَامِ بَغْلَةِ رَسُولِ اللَّهِ ﷺ أَكُفُّهَا إِرَادَةً أَنْ لَا تُسْرَعَ، وَأَبْو سُفِيَّانَ آخِذُ بِرِكَابِ رَسُولِ اللَّهِ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّ عَبَّاسُ، نَادَ أَصْحَابَ السَّمْرَةِ»، فَقَالَ عَبَّاسٌ: وَكَانَ رَجُلًا صَيْتاً، فَقُلْتُ بِأَعْلَى صَوْتِي: أَيْنَ أَصْحَابُ السَّمْرَةِ؟ قَالَ: فَوَاللَّهِ، لَكَانَ عَطْفَتُهُمْ حِينَ سَمِعُوا صَوْتِي عَطْفَةُ الْبَقْرِ عَلَى أَوْلَادِهَا، فَقَالُوا: يَا لَبَيْكَ، يَا لَبَيْكَ، قَالَ: فَاقْتَلُوا وَالْكُفَّارَ، وَالدَّعْوَةُ فِي الْأَنْصَارِ يَقُولُونَ: يَا مَعْشَرَ الْأَنْصَارِ، يَا مَعْشَرَ الْأَنْصَارِ، قَالَ: ثُمَّ قُصِّرَتِ الدَّعْوَةُ عَلَى بَنِي الْحَارِثِ بْنِ الْخَرْجِ، فَقَالُوا: يَا بَنِي الْحَارِثِ بْنِ الْخَرْجِ، يَا بَنِي الْحَارِثِ بْنِ الْخَرْجِ، فَنَظَرَ رَسُولُ اللَّهِ ﷺ وَهُوَ عَلَى بَعْلَتِهِ كَالْمُتَطَلِّوْلِ عَلَيْهَا إِلَى قِتَالِهِمْ، فَقَالَ رَسُولُ اللَّهِ ﷺ «هَذَا حِينَ حَمِيَ الْوَطِيسُ»

“I was with the Messenger of Allāh ﷺ on the day of Hunayn; both Sufyān ibn al-Ḥārith and I remained close to the Messenger of Allāh ﷺ; we did not leave him (for even a moment). The Messenger of Allāh ﷺ was riding on a white mule that belonged to him. When the Muslims and the disbelievers met (on the battlefield), the Muslims turned their backs to run away; meanwhile, the Messenger of Allāh ﷺ began to spur his onwards in the direction of the disbelievers. I was holding on to its reins, and so I tried to restrain it, hoping that it would not move forward too quickly. The Messenger of Allāh ﷺ said, ‘O ‘Abbās, call out to the people of as-Samurah (as-Samurah was the name of the tree under which the Muslims made the Pledge of *ar-Ridwān* during the al-Hudaybiyyah expedition.)’ I called out as loudly as I could (and al-‘Abbas رضي الله عنه was known to have a powerful voice), ‘O people of as-Samurah,’ and by Allāh, it was as if they returned, upon hearing my voice, as quickly as a cow returns to (the needs of) its children. They were calling out in response, ‘Here we are, responding to your call! Here we are, responding to your call!’ The fighting between them and the disbelievers then began in earnest. The call that was made among the *Anṣār* (during the fighting) was, ‘O people of the *Anṣār*! O people of the *Anṣār*!’ And then the call was limited to the

Banū Ḥārith clan from the Khazraj tribe. The Messenger of Allāh ﷺ looked on, while he was still mounted on his mule; it was as if he was extending his neck to have a clearer view of the fighting, and he said, ‘*This is when the fighting becomes intense.*’<sup>180</sup>

The chapter also highlights that the Prophet ﷺ would divide, and subdivide his forces into units of varying sizes, and “*the best detachment is four-hundred, the best army is four-thousand.*”

Allāh ﷺ indicates this concept in a number of instances throughout his book, such as the noble verse in *Sūrah al-Anfāl* (8:16) wherein He ﷺ states:

﴿وَمَنْ يُوَلِّهُمْ يَوْمَِدُبْرُهُ وَإِلَّا مُتَحَرِّفًا لِّفَتَالٍ أَوْ مُتَحَرِّيًّا إِلَىٰ فِتْنَةٍ فَقَدْ بَأْتَهُ بِغَضَبٍِ مِّنْ أَنَّهُ وَمَا وَلَهُ جَهَنَّمُ وَبِئْسَ الْمَصِيرُ﴾ (١٦)

*And whoever turns his back to them on such a day, unless swerving [as a strategy] for war or joining [another] company, has certainly returned with anger [upon him] from Allāh, and his refuge is Hell - and wretched is the destination.*

Meaning, that whoever retreats to his reinforcements or reserve force has not incurred the sin associated with fleeing from battle.

He also says in *Sūrah an-Nisā'* (4:71):

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا خُذُوا حِذْرَكُمْ فَاقْرُبُوا إِلَيْهِمْ أَوْ افْرُجُوهُمْ وَاجْمِعُهُمْ﴾ (٧١)

*O you who have believed, take your precaution and [either] go forth in companies or go forth all together.*

<sup>180</sup> Also in *Musnad Aḥmad* (1775)

In the era of the Prophet ﷺ and the Companions رضي الله عنهم this division, in the case of pitch battles, would take the form of a centre and flanks, as was the case at Badr. While at Uhud, the Prophet ﷺ also designated a fixing/blocking force with the fifty archers placed upon the strategic mount of 'Aynayn providing the Muslims forces fighting on the plane beneath with fire over watch, and preventing the Quraysh's cavalry from outflanking the Muslims. In later battles, vanguards, rear-guards, and highly mobile cavalry manoeuvre units, usually headed by Khālid and the elite Muslim warriors رضي الله عنهم, would be utilised. During the siege of at-Tā'if, in the eighth year *Hijrī*, heavy fire support and combat engineering units would also be employed during combat - they would be responsible for operating the catapult, battering rams, and other siege weapons.

The sub-division of the Muslim forces was usually done according to tribe. As such, each tribe would make up its own unit, and then further split into squads of ten.

Such a practice assists and eases the problems associated with command and control, thereby making the task of the overall commander easier. It also promoted a de-centralised command, encouraging subordinate commander initiative - a must for the fast-paced and highly manoeuvrable style of fighting the Muslims were accustomed to during the era of the Prophet ﷺ and his Companions رضي الله عنهم. There is also an element of competition involved, which is a praiseworthy act when it involves competing, not for worldly objectives, but for Allāh's Pleasure alone. Indeed, Allāh ﷺ says in *Sūrah al-Muṭaffifīn* (83:36):

﴿ وَفِي ذَلِكَ فَلَيْتَنَا فِي الْمُتَنَفِّسُونَ ﴾ ٦٦

*So for this let the competitors compete.*

Such completion was well known amongst the Companions رضي الله عنهم, as documented by scholars such as ibn Ḥajar al-'Asqalānī رحمه الله، who said

in *Fath al-Bārī* (7/342), “The Aws did not do anything (praiseworthy) except that the Khazraj would say, ‘By Allāh, they will not overtake us with this virtuous (act),’ and likewise were the Aws. Therefore, when the Aws killed Ka'b ibn al-Ashraf, the Khazraj (asked each other) ‘who is like Ka'b was in his enmity towards the Messenger of Allāh.’ They then mentioned ibn Abī al-Ḥuqayq (i.e. Abū Rāfi’).” Another well-known incident highlighting the competitive nature between the Companions was recorded by Abū Dāwūd رَحْمَةُ اللَّهِ عَلَيْهِ وَبَرَكَاتُهُ in his *Sunan: The Book of Zakāh* (1678), wherein ‘Umar ibn al-Khaṭṭāb رَحْمَةُ اللَّهِ عَلَيْهِ وَبَرَكَاتُهُ narrated:

أَمْرَنَا رَسُولُ اللَّهِ عَلَيْهِ وَسَلَّمَ يَوْمًا أَنْ نَصَدِّقَ، فَوَافَقَ ذَلِكَ مَا لَا عِنْدِي، فَقُلْتُ: الْيَوْمَ أَسْبَقْتُ أَبَا بَكْرٍ إِنْ سَبْقُتُهُ يَوْمًا، فَجِئْتُ بِنِصْفِ مَالِي، فَقَالَ رَسُولُ اللَّهِ عَلَيْهِ وَسَلَّمَ: «مَا أَبْقَيْتَ لِأَهْلِكَ؟»، قُلْتُ: مِثْلُهُ، قَالَ: وَأَتَى أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ بِكُلِّ مَا عِنْدَهُ، فَقَالَ لَهُ رَسُولُ اللَّهِ عَلَيْهِ وَسَلَّمَ: «مَا أَبْقَيْتَ لِأَهْلِكَ؟» قَالَ: أَبْقَيْتُ لَهُمُ اللَّهَ وَرَسُولَهُ، قُلْتُ: لَا أُسَابِقُكَ إِلَى شَيْءٍ أَبْدَأْتَ

“One day the Messenger of Allāh ﷺ ordered us to give charity, and I had a decent amount of wealth at the time. So I said to myself, ‘If there is ever a day that I will outdo Abū Bakr, it will be today.’ I then brought half of all of my wealth. The Messenger of Allāh ﷺ said (to me), ‘What have you left for your family?’ I replied, ‘A similar amount as this.’ Then Abū Bakr came - may Allāh be pleased with him - with all of his wealth. Thereupon the Messenger of Allāh ﷺ said to him, ‘What have you left for your family?’ Abū Bakr replied, ‘I left for them Allāh and His Messenger.’ I then said, ‘I will never (be able to) compete with you in anything again!’”

This incident took place prior to the battle of Tabūk, in the ninth year *Hijrī*, indicating that ‘Umar may well have been competing with Abū Bakr for a period in excess of fifteen years رَحْمَةُ اللَّهِ عَلَيْهِ وَبَرَكَاتُهُ!<sup>181</sup>

<sup>181</sup> ‘Umar embraced Islām in Makkah, five years after the beginning of the Messenger of Allāh’s prophethood ﷺ, and more than fifteen years before the battle of Tabūk

It is also well documented that the Companions ﷺ, along with their Prophet ﷺ, would compete in the fields of archery and horseracing. Prizes were also awarded for the winner, in order to further encourage the *Mujāhidīn* to compete in activities that were, in reality, an extension of their military training regime.<sup>182</sup>

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<sup>182</sup> Refer to the works of *Fiqh* for details regarding the rulings associated with such competitions, and their prize money. Ibn Qayyim's *al-Furūsiyyah* and ibn an-Nuḥḥās' *Mashāri al-Ashwāq* both contain detailed chapters on the issue.

(26)

## SUPPLICATING UPON MEETING THE ENEMY

عَنْ أَنْسِ بْنِ مَالِكٍ، قَالَ: كَانَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ إِذَا غَرَّا قَالَ: «اللَّهُمَّ أَنْتَ عَصْدِي وَنَصِيرِي، بِكَ أَحُولُ، وَبِكَ أَصُولُ، وَبِكَ أُقَاتِلُ»

**Hadīth 45:** Anas ibn Mālik رَضِيَ اللَّهُ عَنْهُ narrated that when the Messenger of Allāh ﷺ went out on an expedition he said, “*O Allāh, You are the One I depend on, the One that grants me victory, by You do I move, by You I attack, and for You I fight.*”<sup>183</sup>

عَنْ عَبْدِ اللَّهِ بْنَ أَبِي أَوْفَى رَضِيَ اللَّهُ عَنْهُمَا، يَقُولُ: دَعَا رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ يَوْمَ الْأَحْزَابِ عَلَى الْمُشْرِكِينَ، فَقَالَ: «اللَّهُمَّ مُنْزِلَ الْكِتَابِ، سَرِيعُ الْحِسَابِ، اللَّهُمَّ اهْزِمْ الْأَحْزَابَ، اللَّهُمَّ اهْزِمْهُمْ وَزُلْزِلْهُمْ»

**Hadīth 46:** ‘Abdullāh ibn Abī Awfā رَضِيَ اللَّهُ عَنْهُ narrated that Messenger of Allāh ﷺ made *Du’ā* against the polytheists on the day of *al-Ahzāb*, saying, “*O Allāh, the One Who sent down the Book, the Swift in reckoning. O Allāh, defeat the confederates! O Allāh, defeat them and shake them (ruthlessly)!*”<sup>184</sup>

**Commentary:** *Du’ā* is truly one of the strongest weapons of the believer, and, as the Messenger of Allāh ﷺ informed us, it is the epitome of worship. He ﷺ said, in a *Hadīth* recited in *Sunan Abī Dāwūd* (1479):

الدُّعَاءُ هُوَ الْعِبَادَةُ

<sup>183</sup> *Sunan Abī Dāwūd* (2632), *al-Jāmi’ at-Tirmidhī* (3584), and *Musnad Ahmad* (12909)

<sup>184</sup> *Sahīh al-Bukhārī* (2933), *Sahīh Muslim* (1742), *Sunan Abī Dāwūd* (2631), *al-Jāmi’ at-Tirmidhī* (1678), *Sunan ibn Mājah* (2796), and *Musnad Ahmad* (12909)

“The *Du’ā* is the (essence of) *Ibādah*.”<sup>185</sup>

He ﷺ also said in a *Hadīth* recorded by at-Tirmidhī رَحْمَةُ اللَّهِ لَهُ in his *Sunan* (1702):

أَبْغُونِي ضُعَفَاءَكُمْ، فَإِنَّمَا تُرْزَقُونَ وَتُنْصَرُونَ بِضُعَفَائِكُمْ

“Seek help for me through your weak. For indeed you are not given sustenance or granted victory except through the poor amongst you.”<sup>186</sup>

An-Nasā’ī رَحْمَةُ اللَّهِ لَهُ records a similar *Hadīth* in his *Sunan* (3178), wherein the meaning of the above becomes clear. In it, the Messenger of Allāh ﷺ said:

إِنَّمَا يَنْصُرُ اللَّهُ هَذِهِ الْأُمَّةَ بِضَعِيفَهَا، بِدَعْوَتِهِمْ وَصَلَاتِهِمْ وَإِحْلَالِ صِرَاطِهِمْ

“Allāh does not grant victory to this *Ummah* except through the *Du’ā*, prayer, and sincerity of her poor.”<sup>187</sup>

It can thus be seen that supplication is one of the greatest means of attaining victory; and the more sincere the *Du’ā*, the greater the response. As such, the weak and poor believers are, in general, more likely to have despaired in any hope they may have entertained for this world. Rather, they have placed all of their hopes in the Creator of this world. Therefore, when they call upon Him ﷺ, they do so with unparalleled sincerity and conviction - traits that Allāh ﷺ loves in His creation’s prayers’. Something the wise leader would do well to bear in mind when dealing with the weak and poor believers.

The *Du’ā* is likewise an integral part of the *Mujāhid*’s *Tawakkal* (reliance) upon his Lord ﷺ. After taking all possible worldly

<sup>185</sup> The *Hadīth* is also recorded in *Sunan at-Tirmidhī* (2969), *Sunan ibn Mājah* (3828), and *Musnad Aḥmad* (18352)

<sup>186</sup> The *Hadīth* is also recorded in *Sunan Abī Dāwūd* (2594), *Sunan an-Nasā’ī* (3828), and *Musnad Aḥmad* (21731)

<sup>187</sup> The *Hadīth* is also recorded in *Ṣaḥīḥ al-Bukhārī* (2896) and *Musnad Aḥmad* (1493)

precautions and preparations within his capability, he relegates all of his affairs to Allāh, the best Disposer of affairs, knowing that there is no victory except from Him ﷺ. He thus fulfils Allāh's commands:

﴿وَاعْدُوا لَهُم مَا أَسْتَطَعْتُمْ﴾

*And prepare against them whatever you are able* <sup>188</sup>

And:

﴿وَعَلَى اللَّهِ فَتَوَكَّلُوا إِن كُنْتُمْ مُّؤْمِنِينَ﴾ <sup>٢٣</sup>

*And upon Allāh rely, if you should be believers.* <sup>189</sup>

It is said, that one should make their worldly preparations as if they have no Lord; while relegating ones affairs, and placing ones trust and reliance upon Him, like one has made no worldly preparations. This is evident in the actions of the Prophet ﷺ prior to his battles, and in particular the battle of Badr. He ﷺ stood for hours, raising his arms towards the heavens until his honourable cloak fell from his blessed shoulders, imploring and begging his Lord for victory. All of this in spite of the fact that Allāh ﷺ had promised him ﷺ victory over the disbelievers, evident in His words:

﴿وَإِذْ يَعْدُ كُلُّ أُنْدَادِهِ إِلَيْهِ أَطَّافِلَتَيْنِ أَهْلَكَ كُلَّمَا﴾

*Remember when Allāh promised you one of the two groups [i.e. the caravan or the army] - that it would be yours* <sup>190</sup>

The *Du'ā* is also an acknowledgement by the leader, that although he may have numbers, weapon, supplies, well laid plans, and the element of surprise, none of this will avail him in the slightest against Allāh's

<sup>188</sup> *Sūrah al-Anfāl* (8):60

<sup>189</sup> *Sūrah al-Mā'idah* (5):23

<sup>190</sup> *Sūrah al-Anfāl* (8):7

Decree. Allāh ﷺ reminded the believers of this in *Sūrah at-Tawbah* (9:25) when he said:

﴿لَقَدْ نَصَرَ رَبُّكُو اللَّهُ فِي مَوَاطِنَ كَثِيرَةٍ وَيَوْمَ حُنَيْنٍ إِذْ أَعْجَبَتْكُمْ  
كَثْرَتُكُمْ فَلَمْ تُغْنِ عَنْكُمْ شَيْئاً وَضَاقَتْ عَلَيْكُمُ الْأَرْضُ بِمَا رَحُبَتْ  
ثُمَّ وَيَسِّرْتُهُمْ مُدْبِرِينَ ﴾٩٢﴾

*Allāh has already given you victory in many regions and [even] on the day of Hunayn, when your great number pleased you, but it did not avail you at all, and the earth was confining for you with [i.e., in spite of] its vastness; then you turned back, fleeing.*

Accordingly, the *Mujāhid*, and especially the leader, who is supplicating not only for himself, but also for the victory of the *Ummah*, must not neglect this lethal weapon, just as the infantryman would not forget his rifle. He should likewise be extremely wary of committing any deed that may cause his *Du'ā* to go unanswered, and Allāh's victory to be withheld.

(27)

## THE TIMES FOR DEPARTURE AND FOR BATTLE

عَن النُّعْمَانَ يَعْنِي ابْنَ مُقَرِّنٍ، قَالَ: «شَهِدْتُ رَسُولَ اللَّهِ عَلَيْهِ السَّلَامُ إِذَا لَمْ يُقَاتِلْ مِنْ أَوَّلِ النَّهَارِ أَخْرَى الْقِتَالَ حَتَّى تَرُوَلَ الشَّمْسُ، وَتَهُبَ الرِّيَاحُ، وَيَنْزَلَ النَّصْرُ»

**Hadīth 47:** An-Nu'mān ibn Muqarrin رَجُلُ اللَّهِ عَزَّ ذِيَّلَهُ narrated that he witnessed that if the Messenger of Allāh ﷺ did not engage in fighting at the beginning of the day, he would delay the fighting until after the sun had descended from its zenith, the wind began to gust, and victory had descended. <sup>191</sup>

عَن كَعْبَ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ، كَانَ يَقُولُ: «لَقَلَّمَا كَانَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ يَخْرُجُ، إِذَا خَرَجَ فِي سَفَرٍ إِلَّا يَوْمَ الْخَمِيسِ»

**Hadīth 48:** Ka'b ibn Mālik رَجُلُ اللَّهِ عَزَّ ذِيَّلَهُ narrated that he witnessed that the Messenger of Allāh ﷺ scarcely set out for a journey (i.e. for *Jihād*) on a day other than Thursday. <sup>192</sup>

**Commentary:** According to Abādī رَجُلُ اللَّهِ عَزَّ ذِيَّلَهُ in 'Awn al-*Ma'būd*, the Prophet ﷺ would delay fighting from the morning until after the time for the *Dhuhr* prayer had entered, as it was more likely the believers' supplications would be answered at the time of prayer. At-Tirmidhī's version (1612) of the narration, which although *Da'īf*, further supports this view. In it, an-Nu'mān ibn Muqarrin رَجُلُ اللَّهِ عَزَّ ذِيَّلَهُ narrates:

<sup>191</sup> *Sunan Abī Dāwūd* (2655), *Sunan at-Tirmidhī* (1613), and *Musnad Aḥmad* (23744)

<sup>192</sup> *Sahīḥ al-Bukhārī* (2949), *Sunan Abī Dāwūd* (2605), *Sunan ad-Dārimī* (2480), and *Musnad Aḥmad* (15781)

«غَرَوْتُ مَعَ النَّبِيِّ ﷺ فَكَانَ إِذَا طَلَّ الْفَجْرُ أَمْسَكَ حَتَّى تَطْلُعَ الشَّمْسُ، فَإِذَا طَلَّتْ قَاتَلَ، فَإِذَا انْتَصَرَ النَّهَارُ أَمْسَكَ حَتَّى تَرُولَ الشَّمْسُ، فَإِذَا زَالَتِ الشَّمْسُ قَاتَلَ حَتَّى الْعَصْرِ، ثُمَّ أَمْسَكَ حَتَّى يُصَلِّي الْعَصْرَ ثُمَّ يُقَاتِلُ» قَالَ: وَكَانَ يُقَاتَلُ عِنْدَ ذَلِكَ: تَهِيجُ رِيَاحُ النَّصْرِ وَيَدْعُو الْمُؤْمِنُونَ لِجُيُوشِهِمْ فِي صَلَاتِهِمْ.

“I fought with the Prophet ﷺ, and if the dawn had entered he would wait until the sun rose to fight. If it was mid-morning, he would delay fighting until after the sun had passed its zenith (i.e. the time for *Dhuhr* had entered), and then would fight until the time of ‘*Asr*. He would then pause to pray, and then resume fighting.” He said, “And it used to be said during that time that (time) that the wind of victory was raging, and the believers would supplicate for their armies in their prayer.”

Another benefit leaders can take from these narrations is the importance of the prayer - the pillar of the religion. It is upon the leader to ensure that the prayer is established amongst his followers at all times and places, whether they are resident, travelling, or even engaged in combat. He must not fall into the grave mistake of thinking that since they are waging *Jihād*, the prayer can be neglected. Allāh ﷺ did not create the creation except that they should worship him, and likewise *Jihād* was not legislated - exalted as it may be - except for this noble purpose. Indeed, this is clear in Allāh’s words in *Sūrah al-Anfāl* (8:39) wherein He ﷺ said:

﴿وَقَاتِلُوهُمْ حَقَّ لَا تَكُونَ فِتْنَةً وَيَكُونُ الْدِينُ كُلُّهُ لِلَّهِ﴾

*And fight them until there is no fitnah and [until] the religion [i.e., worship], all of it, is for Allāh*

The *Mujāhid* must then realise, that his *Jihād* is but one form of ‘*Ibādah*, but it is not however the most important. *Imām Ahmad* رحمه الله in *Uṣūl as-Sunnah* indicated the immense status of the prayer in *Islām*,

stating, “And whoever abandons the prayer has disbelieved, and there is no act, the abandonment of which is considered disbelief, except the prayer. Whoever abandons it is a disbeliever, and Allāh has permitted that he be killed.” Indeed, at-Tirmidhī recorded in his *Sunan* (2622) from ibn Shaqīq رَجُلَ اللَّهِ :

كَانَ أَصْحَابُ مُحَمَّدٍ عَلَيْهِ الْكَلَمُ لَا يَرْوَنَ شَيْئًا مِنَ الْأَعْمَالِ تَرْكُهُ كُفُرٌ غَيْرُ الصَّلَاةِ

“The Companions of Muhammad ﷺ did not regard the abandonment of any action to be disbelief, except the prayer.”

While it is true that whilst waging *Jihād*, the believer may shorten, combine, temporarily delay, and alter the form of the prayer (as in the case with some variations of the Fear Prayer), it can never be abandoned or neglected, regardless of the reason. To do so, would be a reason for the leader’s dismissal - even if he were the Caliph himself - as the following narration demonstrates. In *Ṣaḥīḥ Muslim: The Book of Governance* (1855) Anas ibn Mālik رضي الله عنه narrated the Messenger of Allāh ﷺ said:

«خِيَارُ أَئِمَّتِكُمُ الَّذِينَ تُحِبُّونَهُمْ وَيُحِبُّونَكُمْ، وَيُصَلِّونَ عَلَيْكُمْ وَتُصَلِّونَ عَلَيْهِمْ، وَشَرَارُ أَئِمَّتِكُمُ الَّذِينَ تُبغِضُونَهُمْ وَيُبغِضُونَكُمْ، وَتَعْنُونَهُمْ وَيَعْنُونَكُمْ»، قيل: يا رَسُولَ اللَّهِ، أَفَلَا نُنَابِذُهُمْ بِالسَّيِّفِ؟ فَقَالَ: «لَا، مَا أَقَامُوا فِيْكُمُ الصَّلَاةَ

“The best of your rulers are those whom you love and who love you, who invoke Allāh’s blessings upon you and you invoke Allāh’s blessings upon them. While the worst of your rulers are those whom you hate and who hate you, and whom you curse and who curse you.” It was asked, “Shouldn’t we overthrow them with the sword?” He replied, “No, as long as they establish the prayer amongst you.”

Meaning, that if the leader abandons this most noble and sacred obligation - establishing the prayer amongst those he has been afforded authority over - he is to be promptly removed from office.

Speaking on the second *Hadīth* (48), ibn Hajar رَحْمَةُ اللَّهِ said in *Fath al-Bārī: Kitāb al-Jihād wa's-Siyar* (2787), “Perhaps this was due to what has been reported to be from his words, although it is *Da’īf*:

بُوْرَكَ لِأَمْتَي فِي بُكُورِهَا يَوْمَ الْخَمِيسِ

“*Blessings have been placed for my Ummah in Thursday mornings.*”

There were instances wherein the Prophet ﷺ did set out on other than Thursdays, such as his departure on a Saturday for the battle of Tabūk. Owing to this, scholars understood departing on Thursdays to be preferable, but not *Wājib*. Nevertheless, if the leader is able to follow in the footsteps of the Messenger ﷺ in all of his affairs, even in those acts that are *Mandūb* (i.e. recommended), this will certainly stand him in good stead.

Another point of benefit is the knowledge of the fact, that after the *Hijrah*, the Prophet ﷺ did not travel for any purposes other than *Jihād*, except in the cases of ‘*Umrah* (which was the purpose for his travelling to Hudaybiyyah) and the Farewell Pilgrimage. Therefore, when one reads anything concerning the Prophet ﷺ travelling after the *Hijrah* - aside from the above two exceptions - then one understands it was for the purpose of *Jihād* in the Cause of Allāh ﷺ. One then begins to appreciate how the exalted ‘*Ibādah* of *Jihād* shaped and influenced almost every aspect of the religion, and that much of the rulings revealed were in some way, shape, or form, related to *Jihād*.

(28)

## EXAMINING THE ARMY, AND REJECTING THOSE PEOPLE, ANIMALS, AND WEAPONS UNFIT FOR COMBAT

عَنْ ابْنِ عُمَرَ، قَالَ: عَرَضَنِي رَسُولُ اللَّهِ عَلَيْهِ وَسَلَّمَ يَوْمَ أُحْدٍ فِي الْقِتَالِ، وَأَنَا ابْنُ أَرْبَعَ عَشْرَةَ سَنَةً، فَلَمْ يُجِزِّنِي، وَعَرَضَنِي يَوْمَ الْخَنْدَقِ، وَأَنَا ابْنُ خَمْسَ عَشْرَةَ سَنَةً، فَأَجَازَنِي

**Hadīth 49:** ‘Abdullāh ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا said that, “The Messenger of Allāh ﷺ inspected me for fighting on the day of Uhud when I was fourteen years old, but he did not allow me (to fight). Then, on the day of the Trench I was fifteen, and he again inspected me, and allowed me (to fight).”<sup>193</sup>

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: «أَجْرَى النَّبِيُّ عَلَيْهِ وَسَلَّمَ مَا ضُمِّرَ مِنَ الْخَيْلِ مِنَ الْحَفْيَاءِ إِلَى ثَنِيَّةِ الْوَدَاعِ، وَأَجْرَى مَا لَمْ يُضَمِّرْ مِنَ الثَّنِيَّةِ إِلَى مَسْجِدِ بَنِي زُرَيْقٍ»، قَالَ ابْنُ عُمَرَ: وَكُنْتُ فِيمَنْ أَجْرَى

**Hadīth 50:** ‘Abdullāh ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا narrated that the Prophet ﷺ had the trained horses race from al-Hafyā’ to Thaniyyah al-Wadā’ [approximately 5-6 miles], and the untrained horses from ath-Thaniyyah to the *Masjid* of Banī Zurayq [approximately 1 mile]. Ibn ‘Umar said, “I was amongst the competitors.”<sup>194</sup>

<sup>193</sup> *Ṣaḥīḥ al-Bukhārī* (2664), *Ṣaḥīḥ Muslim* (1868), *Sunan Abī Dāwūd* (2957), *al-Jāmi’ at-Tirmidhī* (1361), *Sunan an-Nasā’ī* (3432), *Sunan ibn Mājah* (2543), and *Musnad Ahmad* (4661)

<sup>194</sup> *Ṣaḥīḥ al-Bukhārī* (2868), *Ṣaḥīḥ Muslim* (1870), *Sunan Abī Dāwūd* (2575), *al-Jāmi’ at-Tirmidhī* (1699), *Sunan an-Nasā’ī* (3583), *Sunan ibn Mājah* (2877), *Muwatta’* (1342), *Sunan ad-Dārimī* (2473), and *Musnad Ahmad* (4487)

**Commentary:** It is the leader's ultimate responsibility to ensure that all fighters and equipment for battle are fit for purpose. Thus, the Messenger of Allāh ﷺ would inspect his fighters before battle, turning back anyone not suitable, as the narration illustrates.

Scholars, however, differed as to the reason for fifteen being the minimum age for combat in the era of the Prophet ﷺ. Some argue that it is the age of adulthood, wherein *Jihād* becomes obligatory upon males. As such, in the same narration (in *Ṣaḥīḥ al-Bukhārī*) Nāfi' رضي الله عنه relates, "I went to the Caliph 'Umar ibn 'Abd al-'Azīz and narrated this to *Hadīth* to him. So he said, 'Indeed this is the distinction between the minor and adult,' and he wrote to his governors instructing them to allot everyone who reached fifteen years old (a stipend specifically for the states soldiers, as opposed to other than them)." Others hold, owing to the *Hadīth*, that fifteen is the age whereupon all Muslims cease being classified as minors. They are thus deemed, as far as the obligations, prohibitions, and punishments go, to be adults, even if they have not yet biologically reached the age of puberty, as was stated by ibn Ḥajar رحمه الله في *Fath al-Bārī*.

Others, such as the Mālikī and Ḥanafī schools, argue that the admittance of young men into the ranks of the *Mujāhidīn* for roles involving physical combat is dependent the strength and ability of the youngster, and not his actual age. Thus, if he possesses the capacity to fight, he should be admitted. If not, he should be sent back or relegated to roles not involving combat, such as providing food and drink, evacuating and treating the sick and wounded, burying the dead, guarding the army's belongings, and so on. They adopt this position due to, amongst other things, the incident reported by ibn Kathīr رحمه الله في *al-Bidāyah wa 'n-Nihāyah*, wherein he states, "He ﷺ had sent back from Uhud Samurah ibn Jundub and Rāfi' ibn Khadīj رضي الله عنهما, both of these being fifteen years of age. But someone told him that Rāfi' was a skilled archer, and so he let him stay. Then someone told him that Samurah could out-wrestle Rāfi', and so he permitted him to stay too."

The second *Hadīth* illustrates the Prophet ﷺ had a training regime for horses used in *Jihād*, which consisted of feeding the horse until they gained weight and strength, and then gradually reducing their intake, whilst at the same time training them to increase their speed and stamina.<sup>195</sup> Al-Qurṭubī رَحْمَةُ اللَّهِ رَحْمَةٌ لِّلْعَالَمِينَ mentioned another benefit from this *Hadīth*, saying, “There is no difference of opinion regarding the permissibility of racing horses and other animals (used for *Jihād*). Also the permissibility of competing in target shooting and using the weapons when this is for training for combat.”<sup>196</sup> Not only is this permissible, it is also encouraged that the leader facilitates such races and competitions for his fighters, as it increases their enthusiasm and love for training for *Jihād*, it likewise strengthenss the relationship, love, and brotherhood between the *Mujāhidīn*. Ibn an-Nuḥḥās رَحْمَةُ اللَّهِ رَحْمَةٌ لِّلْعَالَمِينَ comments in *Mashāri’ al-Ashwāq* (p.445), “This *Hadīth*<sup>197</sup> is evidence that to compete when shooting is desirable as is strengthens the resolve, increases vigour, and is an encouragement (for *Jihād*), on the condition that it is done with a good intention.”

The *Hadīth* also shows Prophet’s ﷺ mercy to Allāh’s creation, as Allāh described him ﷺ in His Book:

﴿وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ﴾

<sup>195</sup> Refer to an-Nawawī’s commentary on *Hadīth* 50 (*Ṣaḥīḥ Muslim*, 1870) in *al-Minhāj*

<sup>196</sup> ‘Awn al-*Ma’būd*

<sup>197</sup> In reference to a *Hadīth* in *Ṣaḥīḥ al-Bukhārī* (2899), wherein Salamah ibn al-Akwa’ رَحْمَةُ اللَّهِ رَحْمَةٌ لِّلْعَالَمِينَ narrated:

عَنْ يَرِيدَ بْنِ أَبِي عَبْدِِ، قَالَ: سَمِعْتُ سَلَمَةَ بْنَ الْأَكْوَعِ رَضِيَ اللَّهُ عَنْهُ، قَالَ: مَرَّ النَّبِيُّ عَلَيْهِ الْأَنْبَاءُ عَلَى نَفْرٍ مِّنْ أَسْلَمَ يَتَضَبَّلُونَ، فَقَالَ النَّبِيُّ عَلَيْهِ الْأَنْبَاءُ: «أَرْمُوا بَنِي إِسْمَاعِيلَ، فَإِنَّ أَبَّا كُمْ كَانَ رَامِيًّا أَرْمُوا، وَأَنَا مَعَ بَنِي فُلَانٍ»...

“One day, the Prophet ﷺ passed by some people from Banī Aslam who were engaged in an archery competition. He said, ‘Shoot O children of Ismā’īl; for indeed your father (i.e. Ismā’īl) was a great archer. Shoot, and I am with such-and-such (team).’...”

**And We have not sent you, [O Muḥammad], except as a mercy to all of the creation.**<sup>198</sup>

Part of this mercy is that he ﷺ would not even overburden animals, much less people, with more than they could bear. Thus, leaders after him should be familiar with their followers' strengths and weaknesses, to place them in the most beneficial positions, and not to overburden them, for indeed Allāh ﷺ said:

﴿لَا يُكَفِّرُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾

**Allāh does not charge a soul except [with that within] its capacity.**<sup>199</sup>

Likewise, the leader should be familiar with the capabilities, tactics, and method of employment, of all weapon systems, armour, vehicles, units, and branches of his forces. This is in order that he employs them as efficiently and effectively as possible against his numerically and technologically superior adversaries from the disbelievers. Failure to do so will likely result in his loss on the battlefield, as he has disregarded Allāh's command to prepare to the best of his ability, according to His words:

﴿وَأَعِدُّوْلَهُمْ مَا مَسْتَطِعُهُمْ﴾

**And prepare against them whatever you are able**<sup>200</sup>

He has also not feared Allāh ﷺ as much as he was able to given the circumstances, disregarding His command:

﴿فَاتَّقُوا اللَّهَ مَا مَسْتَطِعُهُ﴾

<sup>198</sup> *Sūrah al-Anbiyā' (21):107*

<sup>199</sup> *Sūrah al-Baqarah* (2):286

<sup>200</sup> *Sūrah al-Anfāl* (8):60

**So fear Allāh as much as you are able** <sup>201</sup>

The Prophet ﷺ would also marshal and examine his forces before battle, paying close attention to his forces, and ensuring they were amongst those Allāh ﷺ loves, even if it meant they had to be subject to gentle persuasion. Demonstrating this, Dr. as-Şallābī narrates in *The Noble Life of the Prophet ﷺ* (2/973),<sup>202</sup> “Before the battle commenced in earnest, the Prophet ﷺ supervised his Companions رَجُلَيْهِ عَلَيْهِمْ حِلْمٌ as they straightened their rows, and he had in his hand an arrow that had not feather(s). As the Prophet ﷺ was walking through the rows, he saw a man named Sawwād ibn Ghaziyyah رَجُلَيْهِ عَلَيْهِمْ حِلْمٌ, who was not lined up properly in his row. The Prophet ﷺ poked him in his stomach and said, ‘Be straight (with the others), O Sawwād.’...” He ﷺ did this as he understood - and Allāh knows best - that Allāh ﷺ loves to see his believers exhibit such displays of discipline, both in the prayer and battlefield. He ﷺ says in *Sūrah as-Şaff* (61:4):

﴿إِنَّ اللَّهَ يُحِبُّ الْأُذْنَى يُقْتَلُونَ فِي سَبِيلِهِ صَفَّا كَأَنَّهُمْ بُرَيْكُنْ﴾  
مَرْصُوصٌ

*Indeed, Allāh loves those who fight in His cause in a row as though they are a [single] structure joined firmly.*

<sup>201</sup> *Sūrah at-Taghābun* (64):16

<sup>202</sup> *The Noble Life of the Prophet ﷺ*, First Edition (2005), Maktaba Dar-us-Salam Publishers and Distributors, Riyadh

(29)

**THE PERMISSIBILITY OF CONDUCTING NIGHT  
RAIDS IN THE TERRITORY OF THE  
DISBELIEVERS, ALONG WITH THE  
IMPERMISSIBILITY OF INTENTIONALLY KILLING  
WOMEN AND CHILDREN**

عَنِ الصَّعْبِ بْنِ جَثَّامَةَ، قَالَ: سُئِلَ النَّبِيُّ عَلَيْهِ السَّلَامُ عَنِ الدَّرَارِيِّ مِنَ الْمُشْرِكِينَ؟  
يُبَيِّنُونَ فَيُصِيبُونَ مِنْ نِسَائِهِمْ وَذَرَارِيَّهُمْ، فَقَالَ: «هُمْ مِنْهُمْ»

**Hadīth 51:** Aṣ-Ṣa'b bin Jathāmah رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ was asked about the women and children of the polytheists killed during night raids, so he replied, “*They are from them.*”<sup>203</sup>

عَنْ نَافِعٍ قَالَ: «إِنَّ النَّبِيَّ عَلَيْهِ السَّلَامُ أَغَارَ عَلَى تَبَيِّنِ الْمُصْطَلِقِ وَهُمْ غَارُونَ، وَأَنْعَامُهُمْ  
تُسْقَى عَلَى الْمَاءِ، فَقَتَلَ مُقَاتِلَتَهُمْ، وَسَبَى ذَرَارِيَّهُمْ، وَأَصَابَ يَوْمَئِذٍ جُوَيْرَيَّةَ»،  
حَدَّثَنِي بِهِ عَبْدُ اللَّهِ بْنُ عُمَرَ، وَكَانَ فِي ذَلِكَ الْجَيْشِ

**Hadīth 52:** Nāfi' رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ raided Banī Muṣṭaliq whilst they were unaware and watering their livestock. So he killed their fighters and captured their women and children, (and) on that day he acquired Juwayriyyah رَضِيَ اللَّهُ عَنْهَا. Nāfi' said, “I was told this by ‘Abdullāh ibn ‘Umar رَضِيَ اللَّهُ عَنْهُ who was in that army.”<sup>204</sup>

<sup>203</sup> *Ṣaḥīḥ al-Bukhārī* (3012), *Ṣaḥīḥ Muslim* (1745), *Sunan Abī Dāwūd* (2672), *al-Jāmi' at-Tirmidhī* (1570), *Sunan ibn Mājah* (2839), and *Musnad Aḥmad* (16422)

<sup>204</sup> *Ṣaḥīḥ al-Bukhārī* (2541), *Ṣaḥīḥ Muslim* (1730), *Sunan Abī Dāwūd* (2633), and *Musnad Aḥmad* (4857)

عَنْ عَبْدِ اللَّهِ، «أَنَّ امْرَأَةً وُجِدَتْ فِي بَعْضِ مَغَارِي رَسُولِ اللَّهِ عَلَيْهِ السَّلَامُ مَقْتُولَةً، فَأَنْكَرَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ قَتْلَ النِّسَاءِ وَالصِّبِيَّاَنِ»

**Hadīth 53:** ‘Abdullāh (ibn ‘Umar) رَضِيَ اللَّهُ عَنْهُ narrated that a woman was found killed in one of the battles of the Messenger of Allāh ﷺ, so he forbade the killing of women and children. <sup>205</sup>

**Commentary:** Ibn Ḥajar رَحْمَةُ اللَّهِ عَلَيْهِ السَّلَامُ says in *Fath al-Bārī*, explaining the above narration (**Hadīth 51**), “His saying, ‘They are from them,’ means they take their ruling in this particular situation. It does not mean however, that it becomes permissible to kill women and children intentionally. Rather, what is intended is when it is not possible to get to their fathers except by going through their children, due to their being intermixed (and indistinguishable) from them. Therefore, (in such an eventuality) their killing is permissible.” Thus, in such instances women and children may be killed inadvertently, and not intentionally. Rather, as seen in the subsequent narration, the Prophet ﷺ forbade the intentional targeting of women and children, if they are not involved in the fighting. The same rule applies to the insane and elderly.

Scholars also derived from the first *Hadīth* the permissibility of Muslims launching surprise attacks, raids, and their likes, upon the disbelievers. An-Nawawī رَحْمَةُ اللَّهِ عَلَيْهِ السَّلَامُ said, “From the *Hadīth* is the permissibility of raiding without warning the disbelievers who the message of Islām has previously been conveyed.”

This is also evident in the Prophet’s ﷺ practice of attacking the disbelievers at sunrise - he would wait until dawn, and if he heard the *Adhān* from them he would refrain, otherwise, he would attack. In *Ṣaḥīḥ al-Bukhārī: The Book of the Call to Prayer* (610), Anas ibn Mālik رَضِيَ اللَّهُ عَنْهُ narrated:

<sup>205</sup> *Ṣaḥīḥ al-Bukhārī* (3014), *Ṣaḥīḥ Muslim* (1744), *Sunan Abī Dāwūd* (2668), *al-Jāmi’ at-Tirmidhī* (1569), *Sunan ibn Mājah* (2841), *Sunan ad-Dārimī* (2505), and *Musnad Aḥmad* (4739)

عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا غَرَّا بِنَا قَوْمًا، لَمْ يَكُنْ يَغْرُو بِنَا حَتَّى يُصْبِحَ وَيَنْظُرَ، فَإِنْ سَمِعَ أَذَانًا كَفَّ عَنْهُمْ، وَإِنْ لَمْ يَسْمَعْ أَذَانًا أَغَارَ عَلَيْهِمْ، قَالَ: فَخَرَجْنَا إِلَى خَيْرٍ، فَانْتَهَيْنَا إِلَيْهِمْ لَيَلَّا، فَلَمَّا أَصْبَحَ وَلَمْ يَسْمَعْ أَذَانًا رَكِبَ، وَرَكِبْتُ خَلْفَ أَبِي طَلْحَةَ، وَإِنَّ قَدَمِي لَتَمَسَّ قَدَمَ النَّبِيِّ ﷺ، قَالَ: فَخَرَجُوا إِلَيْنَا يُمَكَّاتِلُهُمْ وَمَسَاخِيْهِمْ، فَلَمَّا رَأَوُا النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالُوا: مُحَمَّدٌ وَاللَّهُ، مُحَمَّدٌ وَالخَمِيسُ، قَالَ: فَلَمَّا رَأَاهُمْ رَسُولُ اللَّهِ ﷺ قَالَ: اللَّهُ أَكْبَرُ، اللَّهُ أَكْبَرُ، خَرَبْتُ خَيْرٍ، إِنَّا إِذَا نَزَلْنَا بِسَاحَةِ قَوْمٍ ﴿فَسَاءَ صَبَاحُ الْمُنْذَرِينَ﴾

[الصفات: 177]

“Whenever the Prophet went out with us to fight against any people, he did not allow us to attack until morning, and he would wait and see: if he heard the (*Fajr*) *Adhān* he would refrain from attacking, and if he did not hear the *Adhān* he would attack.” Anas added, “We reached Khaybar at night, and in the morning when we did not hear the *Adhān* he (ﷺ) rode and I rode behind Abī Talhah and my foot was touching that of the Prophet. The inhabitants of Khaybar came out with their baskets and spades, and when they saw the Prophet they shouted, ‘Muhammad! By Allāh, Muhammad and his army!’ When Allāh’s Messenger ﷺ saw them he said, ‘*Allāhu Akbar! Allāhu Akbar! Khaybar is ruined. Whenever we approach a people (to fight), then evil will be the morning of those who have been warned*’.”

Although, according to the majority of scholars, it is *Mustahab* (desirable), but not *Wājib*, to formally call the disbelievers to Islām before initiating hostilities against them, if they have previously heard the call. However, when the *Jihād* is defensive in nature, like today, no such call is required. Rather, the disbelievers are repelled using all permissible means, until they desist from their aggression.

Those believers inclined towards confronting enemy aggression with kindness, soft words, and calls to a ‘moderate’ and peaceful version of Islām, would do well to remember that the disbelievers’ attack against

Islām today is precisely because they understand exactly what Islām is about. So, rather than wait for the Muslims to conquer their lands and enforce the *Jizyah* upon them, then then their children and wives leave them to become Muslim after witnessing the humiliation of their fathers and the falseness of their religions, they have pre-emptively attacked the Muslims attempting to avert this fate.

Scholars have also derived from Nāfi's ﷺ narration that the word 'fighters' (مقاتلتهم) means, "Whoever is capable of fighting, (i.e., the adult and sane male)." Therefore, according to the *Shari'ah*, all those falling within this definition are permissible targets for the Muslims. This renders the use of the term 'civilians' problematic, as it traditionally encompasses many of those the *Shari'ah* deems as legitimate targets, and as such, the believers should abstain from using such terminology.

In conclusion, leaders today should not waste their time on calling those who have begun their ill-fated attack on Islām; rather they should use every means at their disposal to attack them, wherever, and whenever they are unaware and careless. Although, those who have yet to attack the Muslims should still be called to Islām and dealt with in a reasonable manner with a view to them either embracing Islām, or at least, entering into treaties of non-aggression with the Muslims. This was indeed the *Sunnah* of the Messenger of Allāh ﷺ, as everyone familiar with the *Sīrah* and *Maghāzī* can attest to, and Allāh indeed knows best.

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## THE LEGISLATION OF SALB

عَنْ أَبِي قَاتَادَةَ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ النَّبِيُّ عَلَيْهِ السَّلَامُ: «مَنْ قَتَلَ قَتِيلًا لَهُ عَلَيْهِ بَيْنَةٌ فَلَهُ سَلَبَةٌ

**Hadīth 54:** Abū Qatādah al-Ansārī رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “Whoever kills (an enemy fighter) and has proof, then he can take his *Salb*.”<sup>206</sup>

عَنْ عَوْفِ بْنِ مَالِكٍ، قَالَ: قَتَلَ رَجُلٌ مِنْ حَمِيرَ رَجُلًا مِنَ الْعَدُوِّ، فَأَرَادَ سَلَبَةً، فَمَنَعَهُ خَالِدُ بْنُ الْوَلِيدِ، وَكَانَ وَالِيَّا عَلَيْهِمْ، فَأَتَى رَسُولَ اللَّهِ عَلَيْهِ السَّلَامُ عَوْفُ بْنُ مَالِكٍ، فَأَخْبَرَهُ، فَقَالَ لِخَالِدٍ: «مَا مَنَعَكَ أَنْ تُعْطِيهِ سَلَبَةً؟» قَالَ: اسْتَكْثُرْتُهُ يَا رَسُولَ اللَّهِ، قَالَ: «إِذْفَعْهُ إِلَيْهِ»، فَمَرَّ خَالِدٌ بِعَوْفٍ، فَجَرَ بِرِدَائِهِ، ثُمَّ قَالَ: هَلْ أَنْجَزْتُ لَكَ مَا ذَكَرْتُ لَكَ مِنْ رَسُولِ اللَّهِ عَلَيْهِ السَّلَامِ، فَسَمِعَهُ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ فَاسْتَغْضَبَ، فَقَالَ: «لَا تُعْطِهِ يَا خَالِدُ، لَا تُعْطِهِ يَا خَالِدُ، هَلْ أَنْتُمْ تَارِكُونَ لِي أُمَرَائِي؟ إِنَّمَا مَثُلُكُمْ وَمَثُلُهُمْ كَمَثَلِ رَجُلٍ اسْتُرْعَيْ إِبْلًا، أَوْ غَنِمًا، فَرَعَاهَا، ثُمَّ تَحْمَيَنَ سَقِيَهَا، فَأَوْرَدَهَا حَوْضًا، فَشَرَعْتُ فِيهِ فَشَرِبَتْ صَفْوَهُ، وَتَرَكْتُ كَدْرُهُ، فَصَفْوُهُ لَكُمْ، وَكَدْرُهُ عَلَيْهِمْ»

**Hadīth 55:** ‘Awf ibn Mālik al-Ashja’ رَضِيَ اللَّهُ عَنْهُ narrated that a man from the Ḥimyar tribe killed an enemy and wanted to take his *Salb* (i.e. belongings and weapons). Khālid ibn Walīd, who was the commander over them, forbade him. ‘Awf ibn Mālik (the narrator) went to the Messenger of Allāh ﷺ and informed him (to this effect). The latter

<sup>206</sup> *Ṣahīḥ al-Bukhārī* (3142), *Ṣahīḥ Muslim* (1751), *Sunan Abī Dāwūd* (2717), *al-Jāmi’ at-Tirmidhī* (1562), *Sunan ibn Mājah* (2837), *al-Muwatta’* (1311), *Sunan ad-Dārimī* (2528), and *Musnad Aḥmad* (22518)

asked Khālid, “What prevented you from giving the *Salb* to him?” Khālid said, “I thought it was too much.” He (the Prophet ﷺ) said, “Hand it over to him.” When Khalid walked by ‘Awf, he pulled him by his cloak and said (chastising him), “Hasn’t the same thing happened that I reported to you from the Messenger of Allah ﷺ? When the Messenger of Allāh ﷺ heard it, he was angered (and said), “*Khālid, don’t give it to him, Khālid, don’t give it to him! Are you going to desert your leaders that I have appointed? Your similitude and theirs is like a person who took camels and sheep for grazing. He grazed them, and when it was time for them to drink, he brought them to a pool. So they drank from it, drinking away its clear water and leaving the murky water below. So the clear water (i. e. the best reward) is for you and the murky water (i.e. blame) is for them.*”<sup>207</sup>

**Commentary:** *Salb* is the personal belongings of the killed disbeliever, awarded to his Muslim killer, in addition to his (regular) share of the *Ghanīmah*.

According to ibn Qudāmah الْمَالِكِي, “It is whatever is present (with the dead fighter), from the likes of (his) clothes, turban, hat, belt, (body) armour, helmet. Similarly, from (his) weapons such as the sword, spear, club, bow, knife, and so on, as he relies upon these to fight, and as such his weapons are to be given precedence over his clothing. Likewise is his mount; as he depends on it (in combat), thus, it is like a weapon. Nay, even more important and, as opposed to a weapon, it entitles him to an increase in his share (from the *Ghanīmah*). However, the wealth he has with him is not considered as *Salb*, due to it not being from that which is worn or used during fighting. His baggage, utensils, and wealth that does not aid him (in fighting) are likewise not considered as *Salb*.<sup>208</sup> However, scholars such as ibn Ḥazm and ibn an-Nuḥḥās الْمَالِكِي differ, arguing that the wealth the disbeliever has in his possession is considered to be part of the *Salb*, and Allāh ﷺ knows best.

<sup>207</sup> *Sahīh Muslim* (1753), *Sunan Abī Dāwūd* (2719), and *Musnad Ahmad* (23987)

<sup>208</sup> *Al-Mugnī* (7375)

Most scholars consider one witness as sufficient to establish the killer's entitlement to the *Salb* of the one he killed.

As for the reason that the Messenger of Allāh ﷺ was angered and thus ordered Khālid to withhold the *Salb* from Mālik ibn ‘Awf مالك بن عوف، and Allāh ﷺ knows best, was the latter's lack of respect to his *Amīr* (i.e. Khālid), as was suggested by an-Nawawī نووي in *al-Minhāj*.

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## THE LEGISLATION OF FAY' AND ITS EXPENDITURE

بَعَثَ رَسُولُ اللَّهِ عَلَيْهِ سَرِيَّةً إِلَى نَجْدٍ، فَخَرَجْتُ فِيهَا، فَأَصْبَنَّا إِبْلًا وَغَنَّمًا، فَبَلَغَتْ سُهْمَانُّا اثْنَيْ عَشَرَ بَعِيرًا، اثْنَيْ عَشَرَ بَعِيرًا، وَنَفَّلَنَا رَسُولُ اللَّهِ عَلَيْهِ بَعِيرًا بَعِيرًا

**Hadīth 56:** ‘Abdullāh (ibn ‘Umar) رضي الله عنه narrated “The Messenger of Allāh ﷺ dispatched a detachment towards Najd in which I was present. We captured a large amount of camels and wealth, with each fighter’s share amounting to twelve camels, and (then) the Prophet ﷺ gave us each an extra camel as *Nafl*.”<sup>209</sup>

عَنْ عُمَرَ رَضِيَ اللَّهُ عَنْهُ، قَالَ: «كَانَتْ أَمْوَالُ بَنِي النَّضِيرِ مِمَّا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ عَلَيْهِ، مِمَّا لَمْ يُوْجِفِ الْمُسْلِمُونَ عَلَيْهِ بِخَيْلٍ وَلَا رِكَابٍ، فَكَانَتْ لِرَسُولِ اللَّهِ عَلَيْهِ خَاصَّةً، يُنْفِقُ عَلَى أَهْلِهِ مِنْهَا نَفَقَةَ سَيِّدِهِ، ثُمَّ يَجْعَلُ مَا بَقَى فِي السَّلَاحِ وَالْكُرَاعِ، عُدَّةً فِي سَبِيلِ اللَّهِ»

<sup>209</sup> *Sahīh al-Bukhārī* (3134), *Sahīh Muslim* (1749), *Sunan Abī Dāwūd* (2741), *al-Muwaṭṭa'* (1299) *Sunan ad-Dārimī* (2524), and *Musnad Ahmad* (4579). The wording is Muslim’s.

It appears that the repetition of the words ‘twelve camels’ is intentional (and not a mistake in narration or misprint), and is to emphasise on the fact that the share of camels for each fighter was indeed twelve camels, as in a number of the other versions of this narration there is some doubt as to whether the share was eleven or twelve camels, and Allāh ﷺ knows best.

*Nafl* refers to a discretionary addition to the regular share of *Ghanīmah*, and comes about due to the order of the *Imām* or *Amīr* of the *Mujāhidīn*, that he will award *Nafl* to whoever does a particular action during the course of an operation.

**Hadīth 57:** ‘Umar رَجُولَةَ عَنْهُ narrated, “The wealth of Banī an-Nadīr that Allāh returned to His Messenger ﷺ, which the Muslims neither fought upon horses nor camels for, was reserved specifically for the Messenger of Allāh ﷺ. He would take from it the yearly maintenance of his family, and would then spend the remainder on weapons, horses, and provisions for the Cause of Allāh (i.e. for *Jihād*).”<sup>210</sup>

**Commentary:** The term *Fay'* refers to the wealth of the disbelievers that falls into the hands of the Muslims through means other than fighting. Unlike the *Ghanīmah*, none of the Muslims are specifically entitled to it to the exclusion of others. The origin of its legislation is in Allāh’s words in *Sūrah al-Hashr* (59:6&7), wherein He ﷺ says:

﴿وَمَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْهُمْ فَمَا أَوْجَحْتُمُ عَلَيْهِ مِنْ خَيْلٍ وَلَا  
رِكَابٍ وَلَكُنَّ اللَّهَ يُسَلِّطُ رُسُلَهُ عَلَى مَنْ يَشَاءُ وَاللَّهُ عَلَى كُلِّ شَيْءٍ  
قَدِيرٌ ⑥ مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرْبَى فِلَلَّهِ وَلِرَسُولِهِ وَلِذِي  
الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ كَمَا لَا يَكُونَ دُولَةً بَيْنَ  
الْأَعْنِيَاءِ مِنْكُمْ وَمَا أَتَكُمُ الرَّسُولُ فَحَذِرُوهُ وَمَا نَهَاكُمْ عَنْهُ  
فَأَنْتُمْ هُوَ وَأَنَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ ⑦﴾

*And what Allāh restored [of property] to His Messenger from them - you did not spur for it [in an expedition] any horses or camels, but Allāh gives His messengers power over whom He wills, and Allāh is over all things competent. And what Allāh restored to His Messenger from the people of the towns - it is for Allāh and for the Messenger and for [his] near relatives and orphans and the [stranded] traveller - so that it will not be a perpetual distribution among the rich from among you.*

<sup>210</sup> *Ṣaḥīḥ al-Bukhārī* (4885), *Ṣaḥīḥ Muslim* (1757), *Sunan Abī Dāwūd* (2965), *al-Jāmi' at-Tirmidhī* (1719), *Sunan an-Nasā'ī* (4140), and *Musnad Ahmad* (171)

***And whatever the Messenger has given you - take; and what he has forbidden you - refrain from. And fear Allāh; indeed, Allāh is severe in penalty.***

When the term is used unrestrictedly, it refers to the wealth taken from the disbelievers through military manoeuvre not involving combat. Such as when the disbelievers', hearing about the Muslims' advance, flee, leaving behind their wealth and property, as mentioned in *Sūrah al-Hashr* (59:6).

There are five categories of wealth taken from the disbelievers that fall under the ruling of *Fay'*. They are:

- 1) The above example.
- 2) *Al-Āshir*, which is a tax levied upon disbelieving traders who wish to conduct business in *Dār al-Islām*.
- 3) The *Jizyah*.
- 4) *Al-Kharāj*, which is a tax levied upon those who work the land in the areas conquered by the Muslims, irrespective of whether they be believers or disbelievers, and
- 5) The wealth that the *Dhimmī*, Muslim, or those similar to them,<sup>211</sup> leave behind when they die having no legal heirs.

As is mentioned in the narration (***Hadīth 18***), the Prophet ﷺ would take from the *Fay'* enough to sustain his family for a year, and then would spend the remainder on weapons, horses, and provisions for *Jihād*. Scholars differ, however the majority argue the entitlement the leader has to take his annual expenditure from the *Fay'* was specific to the Messenger of Allāh ﷺ, and not for those after him.

*Shaykh al-Islām* ibn Taymiyyah رحمه اللہ عزیز says in *Majmū' al-Fatāwā* (28/565&567), "As for the expenditure of the *Fay'* after the death of the Prophet ﷺ, it has been agreed upon by the scholars that it should be spent sustaining those fighting the disbelievers. As in their strengthening is the disgracing of the disbelievers, and thus (more) *Fay'*

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<sup>211</sup> Included in this category is the wealth left behind by the apostate

will be taken from them. (Scholars) have disputed as to whether its expenditure extends to the rest of the areas in which there is a general benefit for the Muslims, or if it is exclusively for the fighters. There are two statements from ash-Shāfi'ī, and likewise two stances from *Imām* Aḥmad. However that which is well known to be his opinion, and likewise the stance of Abū Ḥanīfah and Mālik, is that it is not exclusively for the fighters. Rather, it can be spent on anything beneficial for the Muslims.”

(32)

## PERMISSIBILITY OF BURNING AND DESTROYING THE WEALTH AND HOMES OF THE DISBELIEVERS IF THERE IS A NEED TO DO SO

عَنْ أَبْنِيْ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: «أَنَّ رَسُولَ اللَّهِ عَلَيْهِ الْحَقَّ نَحْلُ بَنِي النَّضِيرِ  
وَقَطَعَ وَهِيَ الْبُوَيْرَةُ»

**Hadīth 56:** ‘Abdullāh ibn ‘Umar رضي الله عنهما narrated, “The Messenger of Allāh ﷺ burnt and cut-down the date palms of Banī an-Naḍīr which were at al-Buwayrah.”<sup>212</sup>

**Commentary:** Allāh ﷺ commented on this incident in *Sūrah al-Hashr* (59:5) saying:

﴿مَا قَطَعْتُمْ مِنْ لَيْنَةٍ أَوْ تَرَكْتُمُوهَا قَائِمَةً عَلَى أَصُولِهَا فِيَذِنِ اللَّهِ وَلِيُخْرِيَ  
الْفَسِيقَيْنَ ﴾

*Whatever you have cut down of [their] palm trees or left standing on their trunks - it was by permission of Allāh and so He would disgrace the defiantly disobedient.*

Al-Qurtubī رحمه الله says in his *Tafsīr* on the verse, “The people (i.e. the scholars) have differed over destroying and burning the enemy’s land(s) and felling their fruit producing crops, having two positions. The **first** holds that it is permissible, and this is the stance of (*Imām Mālik* رحمه الله) in *al-Mudawwanah*. While the **second** holds that if the Muslims know that they will capture the land, they should refrain from doing so.

<sup>212</sup> *Sahīh al-Bukhārī* (4884), *Sahīh Muslim* (1746), *Sunan Abī Dāwūd* (2615), *al-Jāmi’ at-Tirmidhī* (1552), *Sunan ibn Mājah* (2844), *Sunan ad-Dārimī* (2503), and *Musnad Aḥmad* (4532)

However, if they are harmed by them (i.e. the crops and trees) they may do so, and this is Mālik's most apparent opinion, as well as it being the Shāfi'ī school's. Ibn al-'Arabī views the first position as being correct, due to the fact that the Messenger of Allāh ﷺ knew that the date palms of Banī an-Naḍīr would end up as his. Nevertheless, he still cut, and burnt them to crush their morale, as this would hasten their leaving (of their land and fortresses). And to destroy some wealth in order to preserve the remainder is permissible in the *Shari'ah*, and according to intellect."

Accordingly, the leader may order the destruction of the disbelievers' property, infrastructure, and critical requirements during war, if there is a benefit in doing so. However, it should not be done if the harm of doing so outweighs any anticipated benefits, and Allāh ﷺ knows best.

(33)

## THE PERMISSIBILITY OF USING THE DISBELIEVERS' UTENSILS AND EATING FROM THEIR WEALTH DURING EXPEDITIONS

عَنْ عَبْدِ اللَّهِ بْنِ مُعَفَّلٍ، قَالَ: أَصَبَّتُ جِرَابًا مِنْ شَحْمٍ، يَوْمَ خَيْرٍ، قَالَ: فَالْتَّرَمُّدُ، فَقُلْتُ: لَا أُعْطِي الْيَوْمَ أَحَدًا مِنْ هَذَا شَيْئًا، قَالَ: «فَالْتَّفَّتُ، فَإِذَا رَسُولُ اللَّهِ ﷺ مُتَبَسِّمًا»

**Hadīth 57:** ‘Abdullāh ibn Maghfal رضي الله عنه narrated, “I found a leather pouch full of fat on the day of Khaybar. So I kept it to myself and said, ‘Today, I will not give any of this to anyone.’ I then turned around and saw the Messenger of Allāh ﷺ smiling (at me).”<sup>213</sup>

عَنِ أَبِي ثَعْلَبَةَ الْخُشَنَيِّ قَالَ: أَتَيْتُ رَسُولَ اللَّهِ ﷺ، فَقُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّا بِأَرْضِ قَوْمٍ أَهْلِ كِتَابٍ نَأْكُلُ فِي آنِيَتِهِمْ، قَالَ: «إِنْ وَجَدْتُمْ غَيْرَ آنِيَتِهِمْ فَلَا تَأْكُلُوا فِيهَا، فَإِنْ لَمْ تَجِدُوا فَاغْسِلُوهَا وَكُلُّوا فِيهَا»

**Hadīth 58:** Abū Tha’labah al-Khashanī رضي الله عنه narrated, “I went to the Messenger of Allāh ﷺ and said, ‘O Messenger of Allāh, We (live) in a land of the People of the Book, can we eat from their utensils?’ He said, ‘If you find other utensils do not eat from theirs’, however if you don’t find anything else, wash them and then eat from them.”<sup>214</sup>

<sup>213</sup> *Ṣaḥīḥ al-Bukhārī* (3153), *Ṣaḥīḥ Muslim* (1772), *Sunan Abī Dāwūd* (2702), *Sunan an-Nasā’i* (4435), *Sunan ad-Dārimī* (2542), and *Musnad Aḥmad* (16791). The wording is Muslim’s

<sup>214</sup> *Ṣaḥīḥ al-Bukhārī* (5478), *Ṣaḥīḥ Muslim* (1930), *Sunan Abī Dāwūd* (3839), *al-Jāmi’ at-Tirmidhī* (1560), *Sunan ibn Mājah* (2831), *Sunan ad-Dārimī* (2541), and *Musnad Aḥmad* (17731). The wording is at-Tirmidhī’s

**Commentary:** The food and provisions of the enemy the *Mujāhidīn* consume or feed to their animals does not fall under the ruling of *Ghulūl* and its prohibition. As long as they are consumed in the land of the enemy, and taken only according to necessity. Likewise are the utensils, firewood, clothing, weapons, and other necessities fighters require during the course of the battle. However, anything remaining afterwards must be returned to the *Ghanīmah*, as it is not the property of the fighter, rather it was only borrowed due to a need.

The scholars arrived at this conclusion based on the narration recorded by *al-Bukhārī* رَحْمَةُ اللَّهِ تَعَالَى عَلَيْهِ وَبَرَّهُ in his *Ṣaḥīḥ: The Book of the Khumus* (3154), wherein ibn ‘Umar رَضِيَ اللَّهُ تَعَالَى عَنْهُ said:

كُنَّا نُصِيبُ فِي مَغَازِينَا الْعَسَلَ وَالْعَنَبَ، فَنَأْكُلُهُ وَلَا نَرْفَعُهُ

“On our expeditions we used to be allotted honey and grapes, so we would eat from them without taking them (to the *Amīr*).”

Regarding the *Mujāhidīn* utilising the utensils of the disbelievers whilst waging *Jihād* in their lands, as can be understood from the *Hadīth*, it is conditional upon the Muslims not finding any other to use. If there are other utensils available, it is impermissible to use those of the disbelievers as:

﴿إِنَّمَا الْمُشْرِكُونَ نَجَسٌ﴾

*indeed the polytheists are not but filthy*

Similarly is their behaviour, along with much of the food and drink they consume. However, if one is forced by necessity, then according to the principle, ‘necessity permits the impermissible,’ one is allowed to use their utensils after washing them thoroughly.

(34)

## TREATING PRISONERS KINDLY, AND THE PERMISSIBILITY TO BIND (i.e. TO RESTRAIN) THEM

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: لَمَّا كَانَ يَوْمَ بَدْرٍ أَتَيَ بِإِسْرَارِي،  
وَأَتَيَ بِالْعَبَّاسِ وَلَمْ يَكُنْ عَلَيْهِ ثُوبٌ، «فَنَظَرَ النَّبِيُّ عَلَيْهِ الْحَسَنَةُ قَمِيصًا، فَوَجَدُوا  
قَمِيصَ عَبْدِ اللَّهِ بْنِ أَبِي يَقْدُرٍ عَلَيْهِ، فَكَسَاهُ النَّبِيُّ عَلَيْهِ الْحَسَنَةُ إِيَّاهُ، فَلِذَلِكَ نَرَعَ النَّبِيُّ  
عَلَيْهِ الْحَسَنَةَ قَمِيصَهُ الَّذِي أَبْسَهُ»

**Hadīth 59:** Jābir ibn ‘Abdullāh رَضِيَ اللَّهُ عَنْهُ narrated, “When it was the day (of the battle) of Badr, prisoners of war were brought including al-‘Abbās, who was undressed. The Prophet ﷺ looked for a shirt for him. It was found that the shirt of ‘Abdullāh ibn Ubay would do, so the Prophet ﷺ let him wear it. That was the reason why the Prophet ﷺ took off, and gave his own shirt to ‘Abdullāh (when the latter died).”<sup>215</sup>

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ عَلَيْهِ الْحَسَنَةُ، قَالَ: «عَجِبَ اللَّهُ مِنْ قَوْمٍ  
يَدْخُلُونَ الْجَنَّةَ فِي السَّلَاسِلِ»

**Hadīth 60:** Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said, “Allāh is amazed at a people who enter Paradise in chains.”<sup>216</sup>

**Commentary:** According to the command of the Messenger of Allāh ﷺ, prisoners, believing or disbelieving, should not be oppressed in any way, rather they should be treated kindly. He ﷺ said regarding the

<sup>215</sup> *Sahīh al-Bukhārī* (3008) and *Sunan an-Nasā'ī* (1902)

<sup>216</sup> *Sahīh al-Bukhārī* (3010), *Sunan Abī Dāwūd* (2677), and *Musnad Aḥmad* (8013)

prisoners of Badr, in a *Ḥadīth* recorded by ibn Kathīr رَحْمَةُ اللَّهِ تَعَالَى لَهُ بَلَى in *al-Bidāyah wa 'n-Nihāyah* (3/83):

اسْتَوْصُوا بِهِمْ خَيْرًا

“Treat them kindly.”

Showing compassion to ones prisoners is a trait of nobility undeniably from the exalted manners of the Prophet ﷺ, and should be something every believer after him aspires to. This is from amongst the reasons the Prophet ﷺ and his Companions رَحْمَةُ اللَّهِ تَعَالَى لَهُمْ would be highly respected by friend and foe alike. As such, during their era it was not uncommon to find disbelieving prisoners embracing Islām.

Indeed, this will be one of the causes for the great *Malḥamah* - the romans will demand the Muslims return their prisoners, and the latter will refuse, due to the prisoners' prior acceptance of Islām.

In *Sahīh Muslim: The Book of Tribulations* (2897), Abū Hurayrah رَحْمَةُ اللَّهِ تَعَالَى لَهُمْ narrates the Prophet ﷺ said:

لَا تَقُومُ السَّاعَةُ حَتَّى يَنْزَلَ الرُّومُ بِالْأَعْمَاقِ أَوْ بِدَابِقِ، فَيَخْرُجُ إِلَيْهِمْ جَيْشٌ مِنَ الْمَدِينَةِ، مِنْ خِيَارِ أَهْلِ الْأَرْضِ يَوْمَئِنِ، فَإِذَا تَصَافَوْا، قَالَتِ الرُّومُ: خَلُوا بَيْنَنَا وَبَيْنَ الَّذِينَ سَبَوْا مِنَّا نُقَاتِلُهُمْ، فَيُقُولُ الْمُسْلِمُونَ: لَا، وَاللَّهِ لَا نُخَلِّي بَيْنَكُمْ وَبَيْنَ إِخْرَانَنَا، فَيُقَاتِلُونَهُمْ

“The Last Hour will not be established until the Romans descend upon al-A'māq or Dābiq. An army consisting of the best (soldiers) of the people of the earth at that time will come from al-Madīnah (to fight them). When they will arrange themselves in ranks, the Romans will say, 'Do not stand between us and those who you took as prisoners from amongst us. Let us fight them.' However the Muslims will reply, 'No, by Allāh, we will never stand aside and leave you to fight our brothers'. So they will then fight.”

It is neither an indication of weakness that one treats his prisoners kindly, nor of strength that one treats his prisoners harshly. Rather the opposite is true, as can be understood from the words of the Messenger :

لَيْسَ الشَّدِيدُ بِالصُّرَعَةِ، إِنَّمَا الشَّدِيدُ الَّذِي يَمْلِكُ نَفْسَهُ عِنْدَ الْعَضَبِ

*“The strong one is not he who can overpower others, but the strong one is he who can control his anger.”*<sup>217</sup>

He likewise said in a *Hadīth* reported by Abū Dāwūd رَحْمَةُ اللَّهِ لِكُلِّ بَلْيَةٍ in his *Sunan: The Book of Manners* (4777):

مَنْ كَظِمَ غَيْظًا وَهُوَ قَادِرٌ عَلَى أَنْ يُنْفِدَهُ، دَعَاهُ اللَّهُ عَزَّ وَجَلَّ عَلَى رُءُوسِ الْخَلَائِقِ يَوْمَ الْقِيَامَةِ حَتَّى يُخْبِرُهُ اللَّهُ مِنَ الْحُورِ الْعَيْنِ مَا شَاءَ

*“Whoever controls his anger at a time when he has the means to act upon it, Allāh will call him before all of mankind on the Day of Resurrection, and will let him chose whoever he wants from the *Hūr al-‘Ayn* (i.e. the beautiful maidens of Paradise).”*

The believer does not allow his love or hate for a people cause him to behave with them in way not sanctioned by the *Shari’ah*. Rather, the actions that stem from his love and hate are but manifestations of his adherence to Allāh’s commands. Even in the most emotionally charged moments, such as the battlefield, nothing is personal, or about following ones desires. Rather, it is simply about obeying Allāh ﷺ, and repressing any feelings that may lead the slave to act to the contrary.

No doubt, in the heat of battle, it is from the perfection of the believer’s *Īmān* to withhold mercy from the disbelievers, and instead be severe and harsh with the enemies of Allāh, even if this contradicts ones usual nature. As such, Allāh ﷺ commands:

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<sup>217</sup> *Ṣaḥīḥ al-Bukhārī* (6114), *Ṣaḥīḥ Muslim* (2609), *Muwaṭṭa’* (2637), and *Musnad Aḥmad* (7219)

﴿جَهِدُ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ﴾

*Fight against the disbelievers and the hypocrites and be harsh upon them.*<sup>218</sup>

He ﷺ also says:

﴿يَأَيُّهَا الَّذِينَ إِمَّا مُؤْمِنُوا فَلِتُلْعِنُوا الَّذِينَ يَلْوَنُكُمْ مِّنَ الْكُفَّارِ وَلِيَجِدُوا فِيْكُمْ غُلْظَةً﴾

*O you who have believed, fight those adjacent to you of the disbelievers and let them find in you harshness.*<sup>219</sup>

However, once the disbelievers' might has been subjugated, it is no longer necessary to exhibit the same kind of behaviour one is required to prior to their subdual. This is because the prisoners are now in state of weakness, and are unable to resist the believers demands. As such, they can be treated with kindness, even if they are to be executed, as this will be more likely to endear them towards Islām.

Another benefit of adhering to the prophetic *Sunnah* in this regard, is in the event of Muslims happening to fall into the hands of the disbelievers. In such a case, they would be much more likely to treat their Muslim captives humanely, if they know the Muslims policy is to behave with such honourable behaviour - and Allāh ﷺ knows best.

Still, such merciful behaviour does not negate Allāh's ﷺ command to exercise caution around one's enemies. He ﷺ says in *Sūrah an-Nisā* (4:71):

﴿يَأَيُّهَا الَّذِينَ إِمَّا نُؤْخِذُوا حِذْرَكُمْ﴾

<sup>218</sup> *Sūrah at-Tawbah* (9):73

<sup>219</sup> *Sūrah at-Tawbah* (9):123

***O you who have believed, take your precaution***

Therefore, in instances where the tactical situation or threat posed from the prisoner necessitates that he or she is restrained, this does not contradict that which has preceded. This does not mean however, that if the situation requires the prisoner's restraint, his good treatment should be abandoned - and Allāh ﷺ indeed knows best.

(35)

## REGARDING THE ACCEPTANCE OF THE COVENANT OF SECURITY ISSUED BY INDIVIDUAL MUSLIMS

أم هانئ بنت أبي طالب: قال رسول الله ﷺ: «قد أجرنا من أجرت يا أم هانئ»

**Hadīth 61:** Umm Hānī bint Abī Ṭālib رضي الله عنها narrated that the Prophet ﷺ said, “*O Umm Hānī, we have indeed given security to whomever you have given it to.*”<sup>220</sup>

**Commentary:** According to the *Shari’ah*, the Covenant of Security is an expression, denoting the safety of a disbeliever with regards to his blood, wealth, and women and children, for a specified period.

Islām stipulates the covenant of *Amān* (security) given by the adult, sane, and free Muslim is to be honoured by all believers according to *Ijmā’* (consensus).<sup>221</sup> In *al-Injād* (p.207)<sup>222</sup> ibn al-Munāṣif رحمه الله states, “The majority of the people of knowledge (agree) the covenant of security issued by the free women is permissible like that of the man’s. This was the opinion of Abī Ḥanīfah, ash-Shāfi’ī, and their companions, ath-Thawrī, al-Awzā’ī, Abī Thawr, ibn Ḥanbal (i.e. Ahmad), Ishāq, Dāwūd, and others. While a group (differed,) holding that her covenant was dependant on the permission of the leader...” They held this due to the following *Hadīth* recorded in *Ṣaḥīḥ al-*

<sup>220</sup> *Ṣaḥīḥ al-Bukhārī* (357), *Ṣaḥīḥ Muslim* (336), *Sunan Abī Dāwūd* (2763), *al-Jāmi’ at-Tirmidhī* (1579), *Sunan ibn Mājah* (465), *al-Muwaṭṭa’* (416), *Sunan ad-Dārimī* (1494), and *Musnad Ahmad* (26887)

<sup>221</sup> Amongst those who have cited the *Ijmā’* on this ruling are ibn Mundhir in *al-Ijmā’* (p.64) and *al-Awṣat* (11/258), and *Imām al-Azdī al-Qurṭubī* in *al-Injād* (p.206).

<sup>222</sup> *Al-Injād fī Abwāb al-Jihād*, Dār al-Imām Mālik

*Bukhārī: The Book of Khumus* (3179) wherein ‘Alī رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ said:

وَذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ، يَسْعَى بِهَا أَذْنَاهُمْ، فَمَنْ أَخْفَرَ مُسْلِمًا، فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يُقْبَلُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ

“The asylum (i.e. protection) granted by the Muslims is one, and is to be respected even if granted by the least Muslim; and whoever betrays a Muslim in this regard incurs the curse of Allāh, the angels, and all of mankind, and (on the Day of Resurrection) none of his compulsory or voluntary good deeds will be accepted...”

Regarding the authority to issue covenants of *Amān*, ibn Qudāmah رَحْمَةُ اللَّهِ عَلَيْهِ مَحْمَدٌ وَسَلَّمَ states in *al-Mughnī* (7481), “The covenant of security given by the *Imām* to (a large group) or individual disbelievers is valid, as in general, his jurisdiction encompasses all of the Muslims. Also valid is the security covenant issued by the (military) leader (*Amīr*) to the disbelievers he is faced with. However, with regards to other than them (i.e. those outside the realm of his authority or the area of his operations), he is just like any other Muslim. As his jurisdiction reaches only as far as those he is fighting, and does not extend to other than them. The covenant issued by individual Muslims is valid for (up to) ten disbelievers, small caravans (i.e. convoys), and small fortresses [...]. Although, his covenant regarding the inhabitants of a city, town, village, or a large number (of disbelievers) is not valid, and would lead to the suspension of *Jihād*, and as such, the *Imām* is the only one with the authorisation to make such decisions.”

The majority of scholars hold the covenant of *Amān* can be issued verbally, in writing, and by gesture, and there is *Ijmā’* on the prohibition of breaching it. It must be stated however, that the covenant entailing harm to the Muslims is not valid according to the principle derived from the statement of the Prophet ﷺ:

لَا ضَرَرَ وَلَا ضِرَارٌ

“There is neither harming nor reciprocation of harm.”<sup>223</sup>

In instances wherein the covenant is rejected by the leader due to the unacceptable harm it would entail upon the believers, the recipient should not be harmed or imprisoned, but rather escorted immediately to his or her place of safety. That is, except in the case of the enemy spy, who should be promptly executed upon the discovery of their treachery. The disbeliever under the authority of the Muslims guilty of a crime requiring a *Hadd* (Prescribed Punishment), can likewise not be issued a covenant of *Amān* in order to circumvent their punishment.

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<sup>223</sup> *Sunan ibn Mājah* (2341) and *Musnad Aḥmad* (2865)

(36)

## THE PROCEDURE OF RENOUNCING THE COVENANT HELD WITH THE DISBELIEVERS

عَنْ أَبِي هُرَيْرَةَ قَالَ: بَعْتَنِي أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ، فِيمَنْ يُؤَذِّنُ يَوْمَ النَّحْرِ  
يُمِنِّي: «لَا يَحْجُّ بَعْدَ الْعَامِ مُشْرِكٌ، وَلَا يَطْوُفُ بِالْبَيْتِ عُرْيَانٌ، وَيَوْمُ الْحَجَّ  
الْأَكْبَرِ يَوْمُ النَّحْرِ»، وَإِنَّمَا قِيلَ الْأَكْبَرُ مِنْ أَجْلِ قُولِ النَّاسِ: الْحَجُّ الْأَصْغَرُ، فَنَبَذَ  
أَبُو بَكْرٍ إِلَى النَّاسِ فِي ذَلِكَ الْعَامِ، فَلَمْ يَحْجُّ عَامَ حَجَّةَ الْوَدَاعِ الَّذِي حَجَّ فِيهِ  
النَّبِيُّ عَلَيْهِ السَّلَامُ مُشْرِكٌ

**Hadīth 62:** Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that, “I was dispatched by Abū Bakr رَضِيَ اللَّهُ عَنْهُ amongst those who would announce on the day of *an-Naḥr* (i.e. Eid) that no polytheists would perform *Hajj* after that year, and no naked person would perform *Tawwāf* around the *Ka'bah*. And the day of *Hajj al-Akbar* is the day of *an-Naḥr* (i.e. the day of Eid); they said *al-Akbar* (the greater) due to the people saying (before) *al-Hajj al-Asghar* (i.e. minor). Abū Bakr renounced (the previous tradition that held no one was to be prevented from performing *Hajj*) that year. So in the year of the farewell *Hajj*, in which the Prophet ﷺ performed *Hajj*, no polytheist performed the pilgrimage.”<sup>224</sup>

**Commentary:** Covenants with the disbelievers can be divided into two categories:

- 1) Those that have a specified duration, and
- 2) Those that are open-ended, such as the covenant of *Dhimmah*

The above covenants may be terminated in the following manners:

- 1) The duration has elapsed
- 2) The disbelievers violate the covenants terms and conditions, or

<sup>224</sup> *Ṣaḥīḥ al-Bukhārī* (3177), *Ṣaḥīḥ Muslim* (1347), *Sunan an-Nasā'ī* (2957), *Sunan ad-Dārimī* (1470), and *Musnad Ahmad* (7997)

3) The Muslims', on account of signs of treachery on the part of the disbelievers, openly renounce the covenant

In the case of the first two methods, the Muslims are not required to notify the disbelievers of the nullification of the covenant, or of their intent to attack them.

However, in the case of the third instance, the believers must notify the disbelievers, as in the above *Hadīth*, of the termination of any treaty or covenant. Allāh ﷺ mentions this in *Sūrah al-Anfāl* (8:58), stating:

﴿وَمَا تَحَافَّ مِنْ قَوْمٍ خِيَانَةً فَأُنْذِنْ لِإِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ  
الْكُفَّارِ﴾

*If you [have reason to] fear from a people betrayal, throw [their treaty] back to them, [putting you] on equal terms. Indeed, Allāh does not like traitors.*

Shaykh ‘Abd ar-Rahmān as-Sa’dī رحمه اللہ علیہ مصلحتہ وآله وآلہ واصحہ اہلہ کتبہ states in his *Tafsīr* regarding this noble verse, “That is, if there is a treaty or covenant between you and some people, agreeing not to fight, but you fear their betrayal due to circumstantial evidence to that effect, without open betrayal on their part, **throw [their treaty] back to them**, that is, throw it back at them and tell them that there is no longer any treaty between you and them **[putting you] on equal terms**, so that both of you will be well aware of that. It is not permissible for you to deceive them or strive to do anything not allowed according to the terms of the treaty, unless you inform them of that. **Indeed, Allāh does not like traitors**; rather He hates them greatly. It is essential to be open and clear, so that you will not be accused of treachery.

This verse indicates that if there is no fear of treachery, in the sense that there is no indication of that, then it is not permissible to cancel the covenant with them; rather it is obligatory to fulfil it until the end of its term.”

(37)

## BURYING THE DISBELIEVERS, AND THE IMPERMISSIBILITY OF BURNING OR MUTILATING THEIR CORPSES

عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ، قَالَ: فَلَقَدْ رَأَيْتُهُمْ قُتِلُوا يَوْمَ بَدْرٍ، فَالْقُوَّا فِي بَيْرٍ غَيْرِ أُمَيَّةَ، أَوْ أُبَيِّ، فَإِنَّهُ كَانَ رَجُلًا ضَخْمًا، فَلَمَّا جَرَوْهُ تَقْطَعَتْ أَوْصَالُهُ قَبْلَ أَنْ يُلْقَى فِي الْبَيْرِ

**Hadīth 63:** ‘Abdullāh ibn Mas’ūd رَضِيَ اللَّهُ عَنْهُ narrated, “Later on I saw all of them (i.e. the leaders of the disbelievers) killed during the battle of Badr and their bodies were thrown into a well, except the body of Umayyah or Ubay. Because he was fat, when he was being pulled, parts of his body became detached before he was thrown into the well.”<sup>225</sup>

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، أَنَّهُ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ عَلَيْهِ الْكِبَرَ فِي بَعْثٍ وَقَالَ لَنَا: «إِنْ لَقِيْتُمْ فُلَانًا وَفُلَانًا - لِرَجُلَيْنِ مِنْ قُرَيْشٍ سَمَّاهُمَا - فَحَرِّقُوهُمَا بِالنَّارِ» قَالَ: ثُمَّ أَتَيْنَاهُ نُوَدْعَهُ حِينَ أَرْدَنَا الْخُرُوجَ، فَقَالَ: «إِنِّي كُنْتُ أَمْرَتُكُمْ أَنْ تُحَرِّقُوْا فُلَانًا وَفُلَانًا بِالنَّارِ، وَإِنَّ النَّارَ لَا يُعَذِّبُ بِهَا إِلَّا اللَّهُ، فَإِنْ أَخَذْتُمُوهُمَا فَاقْتُلُوهُمَا»

**Hadīth 64:** Abū Hurayrah رَضِيَ اللَّهُ عَنْهُ narrated that the Messenger of Allāh ﷺ dispatched us on a military expedition and said to us, “If you meet so-and-so and so-and-so - he named two men from Quraysh - then burn them.” When we intended to depart, we went to the Prophet to bid him farewell, he then said to us, “I ordered you before to burn so-and-so and so-and-so with fire. However, Allāh is the only One that punishes

<sup>225</sup> *Ṣaḥīḥ al-Bukhārī* (3185), *Ṣaḥīḥ Muslim* (1794), *Sunan an-Nasā'ī* (307), and *Musnad Aḥmad* (3722)

with fire, therefore if you capture them; kill them (in another fashion).”<sup>226</sup>

عَنْ سَمُورَةَ بْنَ جُنْدُبٍ وَعُمَرَانَ بْنَ حُصَيْنٍ قَالَا: «كَانَ نَبِيُّ اللَّهِ عَلَيْهِ السَّلَامُ يَحْثُثُ عَلَى الصَّدَقَةِ، وَيَنْهَانَا عَنِ الْمُثْلَةِ»

***Hadīth 65:*** Samurah ibn Jundub and ‘Imrān ibn Huṣayn رَضِيَ اللَّهُ عَنْهُمَا narrated that the Messenger of Allāh ﷺ encouraged us to give charity and prohibited us from mutilation (i.e. mutilating the enemy).<sup>227</sup>

**Commentary:** As stated by the Prophet ﷺ, the dead disbelievers should be buried only so that they do not harm the believers. An-Nawawī رَحْمَةُ اللَّهِ عَلَيْهِ said in his commentary on the *Hadīth* (63), “The (disbelievers) were only thrown into the well as a humiliation for them and so that they would not harm the Muslims with their (foul) smell, and not to bury them, as it is not obligatory to bury the *Harbī* (i.e. disbeliever without a covenant). Our companions (from the scholars) have said, ‘Rather they should be abandoned in the desert, unless this would cause harm.’” Such as the sight or smell emitted from their decomposing corpses, or the risk of spreading disease, or attracting scavengers that may spread disease or endanger others in another way. In which case they should be buried, as long as this would not cause a greater harm to the Muslims, such as if the disbelievers have been killed in dangerous or exposed areas that may put the believers at considerable risk of enemy attack whilst they attempt to retrieve and/or bury the disbelievers’ corpses.

The Prophet ﷺ also forbade mutilating dead or captured disbelievers, evident in his words:

<sup>226</sup> *Šaḥīḥ al-Bukhārī* (2954), *Šaḥīḥ Muslim* (1794), *Sunan an-Nasā'ī* (307), and *Musnad Aḥmad* (24386)

<sup>227</sup> *Sunan Abī Dāwūd* (2667), *Sunan ad-Dārimī* (1697), and *Musnad Aḥmad* (19844)

اَغْرُوْا بِاسْمِ اللَّهِ فِي سَبِيلِ اللَّهِ، قَاتِلُوا مَنْ كَفَرَ بِاللَّهِ، اَغْرُوْا وَلَا تَغُلُوا، وَلَا  
تَعْدِرُوا، وَلَا تَمْثُلُوا، وَلَا تَقْتُلُوا وَلِيْدًا

“Fight in the name of Allāh and in the Cause of Allāh. Fight those who disbelieve in Allāh. Go forth, do not embezzle the Ghanīmah (i.e. the spoils of war); break your pledge(s); mutilate (the dead); or kill children.”<sup>228</sup>

He ﷺ likewise forbade burning dead or captured disbelievers saying, *Allāh is the only One that punishes with fire*, which, according to ibn Hajar al-Asqalānī رَحْمَةُ اللَّهِ comes in the form of a statement, but in actuality is a prohibition.<sup>229</sup>

The above two prohibitions (i.e. mutilating and burning) relate to captive or dead disbelievers. However, they do not apply to during combat, wherein Allāh ﷺ has permitted the believers to kill the disbelievers using all available means at their disposal. As such, ad-Dasūqī رَحْمَةُ اللَّهِ said in his commentary on *Sharh al-Kabīr*, “... it is permissible for us to kill them (during combat) in any way possible, even if it involves mutilation.” While ibn Hajar رَحْمَةُ اللَّهِ said in *Fath*, “An-Nawawī and al-Awzā’ī رَحْمَةُ اللَّهِ said that the majority of the scholars of al-Madīnah permit the burning of (the disbelievers’) fortresses and ships around their occupants during combat.”

Likewise, numerous scholars have permitted the above as an act of *Qisāṣ* (i.e. retaliation), according to the general principles derived from the words of Allāh ﷺ in *Sūrah an-Nahl* (16:126) wherein He says:

﴿وَلَئِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عَوْقَبْتُمْ بِهِ﴾

<sup>228</sup> *Shāfi‘ī Muslim* (1731), *Sunan Abī Dāwūd* (2612), *al-Jāmi’ at-Tirmidhī* (1408), *Sunan ibn Mājah* (2858), *Sunan ad-Dārimī* (2483), and *Musnad Aḥmad* (22978)

<sup>229</sup> Refer to *Fath al-Bārī* (*Hadīth* 3016)

**And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed.**

He ﷺ also says in *Sūrah al-Baqarah* (2:194):

﴿وَالْحُرْمَةُ قَصَاصٌ فَمَنْ أَعْتَدَ لَكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا أَعْتَدَ لَكُمْ﴾

**and for [all] violations is legal retribution. So whoever has assaulted you, then assault him in the same way that he has assaulted you.**

This means that the believers are permitted to treat the disbelievers in the same fashion they have previously treated the believers. Accordingly, if they have burnt and/or mutilated believers, the Muslims are within their right to extract revenge in the same fashion. Although, due to the statement of the Prophet ﷺ, “*Allāh is the only One that punishes with fire*,” a number of the Companions held burning to be an exception to the rule, despite Abū Bakr, ‘Alī, and Khālid رضي الله عنهونعنهما الله عندهما رحمة عظيمة, ordering the burning of some of the apostates. Those that permit it, such as al-Bukhārī رضي الله عنه، rely of the incident wherein the Prophet ﷺ ordered the branding of the eyes with red-hot pieces of iron of a group of apostates, after the later did the same to the Prophet’s ﷺ camel herder.<sup>230</sup>

In *Ṣaḥīḥ Muslim: The Book of Oaths, Muḥāribīn, Qiṣāṣ, and Diyāt* (1671) Anas رضي الله عنهونعنهما الله عندهما رحمة عظيمة relates, explaining the rationale behind the severe punishment:

إِنَّمَا سَمَّلَ النَّبِيُّ عَلَيْهِ الْأَعْيُنَ أَوْ لَيْكَ، لَأَنَّهُمْ سَمَّلُوا أَعْيُنَ الرِّعَاءِ

“The Prophet’s ﷺ branding of their eyes was done as a recompense for their branding the eyes of the shepherd.”

<sup>230</sup> Refer to *Ṣaḥīḥ al-Bukhārī: The Book of Jihād and Expeditions* (3018), *Ṣaḥīḥ Muslim* (1671), *Sunan Abī Dāwūd* (4364), *Sunan at-Tirmidhī* (72), *Sunan an-Nasā’ī* (305), *Sunan ibn Mājah* (2578), and *Musnad Ahmad* (12042)

A number of scholars have likewise permitted the burning of the disbelievers' corpses in the case that leaving, or burying them, would present a risk of the spread of infectious disease, such as plague or Covid-19.

(38)

## THE FORBIDDANCE OF SEEKING THE DISBELIEVERS' ASSISTANCE (DURING WAR), EXCEPT IN SITUATIONS OF DIRE NECESSITY

عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ ﷺ أَنَّهَا قَالَتْ: خَرَجَ رَسُولُ اللَّهِ ﷺ قَبْلَ بَدْرٍ، فَلَمَّا  
كَانَ بِحَرَّةِ الْوَبْرَةِ أَذْرَكَهُ رَجُلٌ قَدْ كَانَ يُذْكُرُ مِنْهُ جُرْأَةً وَنَجْدَةً، فَفَرَحَ أَصْحَابُ  
رَسُولِ اللَّهِ ﷺ حِينَ رَأَوْهُ، فَلَمَّا أَذْرَكَهُ قَالَ لِرَسُولِ اللَّهِ ﷺ: حِنْتُ لِأَتَّعَكَ،  
وَأَصِيبُ مَعَكَ، قَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «تُؤْمِنُ بِاللَّهِ وَرَسُولِهِ؟» قَالَ: لَا،  
قَالَ: «فَارْجِعْ، فَلَنْ أَسْتَعِنَ بِمُشْرِكٍ»

**Hadīth 66:** ‘Ā’ishah رضي الله عنها, the wife of the Prophet ﷺ narrated that the Messenger of Allāh ﷺ departed to Badr. When he reached Harrah al-Wabarah (a place four miles from Madīnah), a man met him who was known for his valour and courage. The Companions of the Messenger of Allāh ﷺ were pleased to see him. He said, “I have come so that I may follow you and get a share from the *Ghanīmah*.” The Messenger of Allāh ﷺ said to him, “Do you believe in Allāh and His Messenger?” He replied, “No.” The Messenger of Allah ﷺ said, “Go back, for I will not seek help from a polytheist.”<sup>231</sup>

**Commentary:** From the apparent wording of the narration, the Messenger of Allāh ﷺ forbade seeking assistance from the disbelievers. Nevertheless, some scholars hold that, according to the principle of *Fiqh*, ‘Necessity permits the impermissible,’ in situations of dire necessity, the same holds true for *Jihād*.

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<sup>231</sup> *Ṣaḥīḥ Muslim* (1817), *Sunan Abī Dāwūd* (2732), *al-Jāmi’ at-Tirmidhī* (1588), *Sunan ibn Mājah* (2832), *Sunan ad-Dārimī* (2538), and *Musnad Aḥmad* (24386)

The basis for this principle is found in the words of Allāh ﷺ in *Sūrah al-An’ām* (6:119):

﴿وَقَدْ فَصَلَ لَكُم مَا حَرَمَ عَلَيْكُمْ إِلَّا مَا أَضْطُرْتُمْ إِلَيْهِ﴾

***He has explained in detail to you what He has forbidden you, excepting that to which you are compelled.***

The mere existence of a genuine necessity does not automatically permit the impermissible; rather a number of conditions must be fulfilled for this to take place. Such as:

- 1) Undertaking the prohibited act will actually alleviate the harm associated with the necessity.
- 2) There are no permissible means to alleviate the harm.
- 3) The prohibited act is less in evil (i.e. harm) than the harm one is seeking to avoid.
- 4) The harm is something certain, and not just a mere possibility.
- 5) The prohibited act is only done in accordance with the necessity, and does not exceed that which is required in order to alleviate the harm associated with the necessity, as is indicated in Allāh’s ﷺ words:

﴿فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادِ فَلَا إِثْمَ عَلَيْهِ﴾

***But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him.***<sup>232</sup>

Nevertheless, those who hold this opinion stipulate a number of conditions be met prior to undertaking such a dangerous step, such as:

- 1) The rule of Islām should be dominant, with the disbelievers being subservient to it.
- 2) The disbelievers do not fight under their own independent banner; rather they are under the banner of the Muslims.
- 3) A genuine need exists for seeking their assistance.<sup>233</sup>

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<sup>232</sup> *Sūrah al-Baqarah* (2):173

- 4) It is known that they hold a good opinion about the Muslims.
- 5) The disbelievers whose help is being sought are trustworthy.
- 6) The Muslims are safe from their treachery.
- 7) The Muslims are capable of warding off their harm should they prove treacherous, and
- 8) The disbelievers should have a different religion to those against whom their help is being sought.

Other scholars however forbid the act unrestrictedly, holding that even the situation of dire necessity does not permit this evil act, due to the overriding harms associated with it.

Shaykh ‘Abd al-Laṭīf ibn ‘Abd ar-Rahmān ibn Ḥasan رَحْمَةُ اللَّهِ عَلَيْهِ said, “As for the question of seeking victory through them (i.e. the disbelievers), it is one of dispute. What is correct according to those who have investigated the issue is that it is forbidden unrestrictedly...”<sup>234</sup>

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<sup>233</sup> A need (حاجة) is not to be confused with the necessity (ضرورة). As the necessity permits the *Harām* (impermissible), while the need only permits the *Makrūh* (disliked). Meaning, it changes the ruling from an act that is originally *Makrūh* to being *Mubāḥ*.

<sup>234</sup> Refer to *Fiqh of Jihād: Understanding the Obligation* (2<sup>nd</sup> Edition), Chapter 26 (pp.562-602) for a detailed explanation of the topic of this chapter

(39)

## REQUESTING ONE'S SOLDIERS, DURING CRITICAL TIMES, TO PLEDGE AN OATH TO BE STEADFAST

عَنْ جَابِرٍ، قَالَ: كُنَّا يَوْمَ الْحُدَيْبِيَّةِ أَلْفًا وَأَرْبَعَ مائَةً، فَبَأْيَعْنَاهُ وَعُمَرُ آخِذٌ بِيَدِهِ تَحْتَ الشَّجَرَةِ، وَهِيَ سَمُّرَةٌ، وَقَالَ: «بَأْيَعْنَاهُ عَلَى أَنْ لَا نَفِرَّ، وَلَمْ تُبَايِعُهُ عَلَى الْمَوْتِ»

***Hadīth 67:*** Jābir رضي الله عنه narrated that, “We were one thousand and four hundred on the day of Hudaybiyyah, so we pledged allegiance (to the Prophet ﷺ) under the tree (called) *Samurah* while ‘Umar was holding his hand. We pledged that we wouldn’t flee (from the enemy), and we didn’t pledge to die.”<sup>235</sup>

**Commentary:** An-Nawawī رحمه الله said in *al-Minhāj*, “The meaning of pledging not to flee, is to exercise patience until we are granted victory over our enemies, or we are killed.”

It was from the *Sunnah* of the Messenger of Allāh ﷺ to take a pledge to be steadfast from the fighters, as can be seen in the above *Hadīth*. This is in spite of the fact that Allāh made steadfastness on the battlefield *Wājib* upon the believers with His noble words:

﴿يَا أَيُّهَا الَّذِينَ إِذَا لَقِيْتُمُ فَرَّةَ فَأَثْبِتُوْا وَأَذْكُرُوا اللَّهَ كَثِيرًا  
لَعَلَّكُمْ تُفْلِحُونَ﴾

<sup>235</sup> *Sahīh Muslim* (1856), *al-Jāmi’ at-Tirmidhī* (1591), *Sunan an-Nasā’ī* (4158), *Sunan ad-Dārimī* (2498), and *Musnad Ahmad* (14114). The wording is Muslim’s

*O you who have believed, when you encounter a company [from the enemy forces], stand firm and remember Allāh much that you may be successful.*<sup>236</sup>

He ﷺ also says:

﴿يَا أَيُّهَا الَّذِينَ إِذَا مَنَّا إِذَا قِيمْتُمُ الَّذِينَ كَفَرُوا رَحْفَافَ لَأَتُولُّهُمُ الْأَدَبَارَ ﴾

*O you who have believed, when you meet those who disbelieve advancing [for battle], do not turn to them your backs [in flight].*<sup>237</sup>

And:

﴿يَا أَيُّهَا الَّذِينَ إِذَا مَنَّا أَصْبِرُوا وَصَابِرُوا وَرَأَبْطُوا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ ﴾

*O you who have believed, persevere and endure and remain stationed and fear Allāh that you may be successful.*<sup>238</sup>

In addition, the Prophet ﷺ warned the believers, in a *Hadīth* recorded by al-Bukhārī رَحْمَةُ اللَّهِ لِمَنْ يَرْجُو فَيَرْجُو رَحْمَةَ اللَّهِ in his *Sahīh* (2766), that to flee in battle is one of the seven destructive sins. He ﷺ said in it:

«اجْتَنِبُوا السَّبْعَ الْمُؤِيْقَاتِ»، قَالُوا: يَا رَسُولَ اللَّهِ وَمَا هُنَّ؟ قَالَ: «... وَالْتَّوْلِيٌّ... وَيَوْمَ الرَّحْفِ...»

“*Avoid the seven destructive sins*,” the Companions said, “O Messenger of Allāh, what are they?” He said, “... and to flee when the armies meet (i.e. in battle) ...”<sup>239</sup>

<sup>236</sup> *Sūrah al-Anfāl* (8):45

<sup>237</sup> *Sūrah al-Anfāl* (8):15

<sup>238</sup> *Sūrah Āl 'Imrān* (3):200

Thus, the act of the leader taking a pledge from his followers to do that was already *Wājib* upon them, or to abstain from that was already *Harām* upon them, serves not only to remind them of their religious duties, but also to emphasise the importance of the said acts. This is particularly important on the eve, or during battle, as the eyes roll and the heart reaches the throat, and Satan will be inciting the believer to forget Allāh ﷺ and His commands. Instead, he - may Allāh's curse enshroud him - will incite the believer to think about self-preservation, his future, wife, children, wealth, home, the pain of injury or death, and so on. Consequently, being constantly reminded about what is important is necessary for the majority of mankind. Indeed Allāh ﷺ said:

﴿وَذَكْرُ فِيَنَ الْذِكْرِي تَنَفَّعُ الْمُؤْمِنِينَ﴾

*And remind, for indeed, the reminder benefits the believers.*<sup>240</sup>

A fact evident in the repetition of a number of central themes throughout the Qur'ān and *Sunnah*; such as *Tawhīd*, avoiding *Shirk*, *Taqwā*, the prayer, and *Jihād*.

The Prophet ﷺ, and after him the Companions رضي الله عنهم, used to have orators inciting and inspiring the *Mujāhidīn*, and the reciters of the Qur'ān accompanying the army reciting the verses of *Jihād*.

Ibn an-Nuḥḥās َذَكَرَ mentions 'Ikrimah ibn Abī Jahl رضي الله عنه in *Mashāri al-Ashwāq* (p.989&990) in his chapter speaking about the courageous of the *Ummah*. He said, "He was from the most courageous before becoming a Muslim... During the battle of Yarmūk he fought ferociously. He was told to fear Allāh and take it easy upon himself. He replied, 'I used to fight to defend al-Lāt and al-'Uzzah (two idols) and I would not take any care for myself. Now you want me to be cautious when I am fighting for Allāh and His Messenger? Never!' The people said that this only increased him in bravery, until he was killed." Ibn

<sup>239</sup> Also in *Ṣaḥīḥ Muslim* (89), *Sunan Abī Dāwūd* (2874), and *Sunan an-Nasā'ī* (3671)

<sup>240</sup> *Sūrah adh-Dhāriyāt* (51):55

an-Nuḥḥās also reported (p.990), “He (‘Ikrimah) said, ‘At every opportunity I fought the Messenger of Allāh ﷺ, and I am going to flee from you today?’ Then he called for the Muslims to pledge to fight to the death. Al-Ḥārith ibn Hishām and Ḏirār ibn al-Azwar, along with four hundred from the ranks of the Muslims and their knights gave their pledge to him. They fought in front of the tent of Khālid, until all of them sustained injuries, and they were all killed, except those who exonerated themselves (from any blame due to their conduct).”

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## THE PROHIBITION OF THE LEADER, OR GROUP, SEEKING RECOGNITION FOR THAT WHICH THEY DO NOT, OR HAVE NOT DONE

عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمُتَشَبِّعُ بِمَا لَمْ يُعْطَ،  
كَلَّا بِسِ تَوْيِيْ زُورِ»

**Hadīth 68:** Asmā' bint Abī Bakr رَبِيعَةَ رَبِيعَةَ narrated that the Messenger of Allāh ﷺ said, “*The one who creates a false impression of receiving what one has not been given, is like one who wears a garment of falsehood.*”<sup>241</sup>

**Commentary:** Seeking recognition for what one has not done is prohibited from a number of angles: It is a type of lying and a trait of *Nifāq* - seeking to present an impression to people different from the reality. As such, the *Munāfiq* seeks to display, and be credited by people for his apparent Islām, while he conceals disbelief. Likewise, the person seeking credit for a deed they have not performed, seeks to be clothed in a false garment of piety and/or righteous actions, all the while being free from such noble acts. Thus, this person seeks to reap another's fruits without putting in any of the effort entailed with their cultivation.

The leader that does this, even if he thinks his actions are justified, is displaying character traits that betray his insincerity with Allāh, and desire to be recognised and praised by people. He is worse than the one mentioned in the *Hadīth* wherein the Prophet ﷺ was asked:

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<sup>241</sup> *Sahīh al-Bukhārī* (5219), *Sahīh Muslim* (2130), *Sunan Abī Dāwūd* (4997), and *Musnad Aḥmad* (26920). The wording is Muslim's

الرَّجُلُ يُقَاتِلُ لِلْمَغْنِمِ، وَالرَّجُلُ يُقَاتِلُ لِذِكْرِ، وَيُقَاتِلُ لِبَرَىءِ مَكَانِهِ، مَنْ فِي سَبِيلِ اللَّهِ؟

“A man fights for spoils, another fights to be mentioned, while another fights to achieve notoriety. Which of them fights in the Cause of Allāh?”

And then he ﷺ responded, rejecting the three people mentioned:

مَنْ قَاتَلَ، لِتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا، فَهُوَ فِي سَبِيلِ اللَّهِ

“*The one who fights so that the Word of Allāh is exalted above all else is the one who fights in the Cause of Allāh.*”

In the above example, at least the three men mentioned actually fought. While the one who seeks recognition for what he has not done, not only seeks recognition from people for acts that should be solely for the sake of Allāh ﷺ, but he did not even put in the effort to do the act(s) in the first place! As such, he combines two evils.

Unfortunately, this kind of behaviour has become somewhat commonplace for a number of the *Jihādī* youth, and even some groups. They seek to claim ‘credit’ for operations and acts they are not responsible for, and claim success for operations which were in reality, failures according to their original objectives. Such behaviour is, more often than not, exposed by Allāh (in this life), but it also brings the whole *Jihādī* movement into disrepute in the eyes of both the believers and disbelievers - and we seek Allāh’s pardon.

Leaders must thus be aware of falling into this evil trap, and from being the cause of the staining of Islām’s, and in particular, *Jihād* and the *Mujāhidīn*’s reputation. As the leader is not only tasked with defending Islām (and the Muslims) from physical attack, but he must also, according to his capabilities, defend the religion from every other type of attack by the disbelievers, *Munāfiqīn*, and apostates.

Everything correct, and if there is any benefit in this commentary, then it is undoubtedly solely from Allāh ﷺ, while all faults and errors are from none other than myself, and from the whisperings of the accursed Satan.

*And all praises are due to Allāh, the Lord of all of the creation.*

